

2009 HOUSE TRANSPORTATION

HB 1197

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1197

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/30/09

Recorder Job Number: 8280

Committee Clerk Signature

*Jeanette Cook*

Minutes:

**Chairman Ruby** opened the hearing on HB 1197.

**Representative Gruchalla** introduced HB 1197. He provided testimony from Joel Gilbertson on the behalf of the Alliance of Automobile Manufacturers in support of HB 1197. See attachment #1. Representative Gruchalla feels that we all know why we should wear seat belts. It is important, and that is why is continues to be brought up. Motor vehicle crashes remain the number one cause of injury related deaths in North Dakota. Health care costs continue to rise from crashes. The public continues to pay for the injuries through higher premiums, rehabilitation and emergency services. Seat belts are one of the best ways to prevent injuries. Other states that have passed this law have seen as much as 6% to 12% increase in seat belt use. **Representative Gruchalla** also provided the committee with the North Dakota Highway Patrol 2007 and 2008 Fatal Traffic Crash Summary. See attachments #2a and #2b. He cited crash after crash that documented a fatality with no seat belt worn and the victim had been ejected from the vehicle. These documents show a define pattern and only show the last two years. If a primary seat belt law had been passed last session, up to three-fourths of these lives may have been saved. An additional document (attachment #2c) was referred to. It shows that states that have adopted primary enforcement have had a

decrease in collision premiums. There is good evidence that we need a primary seat belt law.

Thirty or more states now have a primary seat belt law.

**Chairman Ruby:** Are there states that have lower usage than we do?

**Representative Gruchalla** referred the question to someone with more knowledge on the topic.

**Chairman Ruby** talked about an accident that had three fatalities. Two were wearing seat belts and one wasn't. All were killed. Chairman Ruby wondered if these kind of statistics don't skew the data.

**Representative Gruchalla:** That is true. This bill won't save everyone, but statistically we are going to save maybe half, which will be six to ten lives a year.

**Representative Delmore:** In theory we are saving that many people. We will still probably have people that will opt not to buckle up. Will we not?

**Representative Gruchalla:** We will.

**Representative Gruchalla** also brought up the fact that Canada and some foreign countries have a 95%-98% usage rate. This probably results from the high fines, \$500-\$1000. The \$20 penalty that we have is probably not enough of a deterrent. For some people the monetary component is more important than getting stopped.

**Mike Gerhart, Safety and Education Officer for the North Dakota Highway Patrol,** provided testimony and spoke in support of HB 1197 on behalf of the North Dakota Highway patrol. See attachment # 3.

**Diana Reed, the coordinator of the North Dakota Department of Health's Injury and Violence Prevention Program,** provided written testimony in support of HB 1197. See attachment #4.

**Representative Weisz** and **Chairman Ruby** asked for data that shows increased usage when passing a law from a secondary to a primary offense.

**Diana Reed** will provide the committee with that information.

**Representative Weiler:** Do you have data that shows what the usage was prior to having a primary seat belt law and after passing one? Do you have data that shows that passing a primary seat belt law encourages greater usage? We are at 82% now. I am wondering if this will increase that number, or if the people that aren't wearing their seatbelts now, just will not wear them.

**Diana Reed** will also provide a document that addresses Representative Weiler's question.

She also stated that she believes that people look to the law to provide the right thing to do and the safe thing to do. If risk of being stopped for not buckling up would be enough to encourage more usage, she believes that would be worth it.

**Representative Weiler:** Since the state went to .1 to .08 blood alcohol level, have we had fewer DUI's? This relates to enforcement.

**Diana Reed** referred the question to the Highway Patrol.

**Representative Delmore** asked what was involved in "unintentional injuries".

**Diana Reed** stated those were injuries such as ATV, electrical, drowning, poisoning, and farm accidents.

**Representative R. Kelsch:** Are we seeing more consistent use of seat belts out of the 24-25 year old groups that grew up with car seats and restraints?

**Diana Reed:** I don't have any data on that other than personal data. DOT may be able to answer that question.

**Representative Schmidt** asked where the observations are done when it speaks of "observed usage".

**Diana Reed** stated that DOT should have that information, because they conduct the survey yearly.

**Carol Meidinger, a former State Health Department employee**, spoke as a private citizen in support of HB 1197. She worked with child restraint programs for over twenty years. She is very concerned about the fatalities that are caused by people who don't use seat belts, especially the parents of young children. Carol thinks that changing the state's law from secondary to primary enforcement, might impact some of the people that don't use their seat belts. She thinks that most of the people that remain as non users are high risk, and won't use seat belts until the law tells them to do so.

**Tom Balzer, North Dakota Motor Carriers Association**, spoke in support of HB 1197. Our reason for supporting this is mainly a safety issue. Many crashes that have trucks and passenger vehicles involved are in the blind spot of the truck. The cost is also dramatic. We are on the receiving end of every law suit. We want the public to be as safe as they can be. See attachment # 5.

**Chairman Ruby** asked for statistics for the percentage of usage for members in the Motor Carrier Industry?

**Tom Balzer** stated that industry does have a primary enforcement. The statistics run from 54% and 60%. He thinks that drivers feel more secure because the vehicles that they drive are so large. One of the biggest problems with a truck roll over, is when the driver goes out the front window. A lot of fatalities come from this. Every trucking company has a policy that tells drivers to buckle up.

**Chairman Ruby**: Is enforcement difficult?

**Tom Balzer**: Yes, it is hard to see because the drivers are up so high.

**Representative Weiler**: You said that is your policy that drivers have to wear a seat belt?

**Tom Balzer:** The Federal Motor Carriers' Association has a primary enforcement law on the books for all commercial vehicles regardless of the state they are in.

**Representative Weiler:** You force your drivers to wear seat belts, and you are still at only 55% usage?

**Tom Balzer:** That is correct.

**Representative Schmidt:** Are the truck drivers included in the 82% usage that is reported in the state?

**Tom Balzer:** It is my understanding that the 82% are strictly passenger vehicles.

**Keith Berndt, County Engineer from Cass County,** presented written testimony in support of HB 1197. See attachment #6.

**Tom Kelsch from the Kelsch Law Firm testified on behalf of General Motors** in support of HB 1197. See attachment #7.

**Terry Weaver, the Traffic Safety Coordinator of the North Dakota Safety Council,** testified in favor HB 1197. See attachments # 8a – 8h.

**Representative Weiler:** Do you have any information that breaks the data down to 18 and under?

**Terry Weaver** stated that she could get that information from the National Safety Council.

**Chairman Ruby** noted that the in Terry's data it showed that states that went from secondary to primary usage resulted at 82.7%, which is basically only one percent better than North Dakota is at now.

**Terry Weaver** explained that the states that changing from secondary to primary enforcement saves about 10% in human lives.

**Jan Schmid spoke to represent the North Dakota Nurses Association** in support of HB 1197. See attachments #9a and #9b. She emphasized the injury component of automobile crashes without seat belts.

**Gene LaDoucer spoke on behalf of AAA of North Dakota** in support of HB 1197. See attachment #10a and 10b.

**Linda Butts, Deputy Director Driver and Vehicle Services of the North Dakota Department of Transportation**, spoke on behalf of the North Dakota DOT in support of HB 1197. See attachment # 11. Linda stated that you are 25 times more likely to die in an automobile crash if you are not buckled up.

**Representative Delmore** asked what percentage of compliance we have with drivers under the age of 18, since this age group can already be pulled over for not wearing their seat belts.

**Linda Butts** wasn't sure and would try to get the information.

**Representative Delmore** also would like to know how we determine the statistics that we have on compliance.

**Karen Mojahn** (spelling unsure) from DOT explained the methodology of seat belt survey. She stated that there are sixteen counties that are selected, primarily on vehicle miles traveled as well as other criteria. The seat belt survey does not include age because that would be difficult to know just based on observation.

**Representative Delmore:** So you can't find out what percentage of drivers under the age of 18 are in compliance? I think that would be very helpful information for us, to see if it really makes a difference.

**Karen Mojahn:** We do not have that data on a state-wide basis. There may be some information at the Federal level, and I will look for it.

**Representative R. Kelsch:** How was it predicted that the seat belt law compliance will increase by 7% if we go to primary?

**Karen Mojahn:** That number came from NIFSA (not sure of acronym), it is an estimate based on their experience with other states. I do not know the method they used to get that number.

**There was no further testimony in support of HB 1197.**

**Chairman Ruby** asked for testimony in opposition of HB 1197.

**Ralph Muecke, from Gladstone, North Dakota** testified in opposition to HB 1197. See attachment #12. He emphasized that he feels that the legislature doesn't get the message that the public doesn't want a primary seat belt law. He feels that people should get to choose if they want to wear a seat belt or not. He stated that he talked to many people that felt if they had been wearing a seat belt in an accident that they had been in they would have been killed.

**John Gosbee** provided written testimony in opposition to HB 1197 urging a Do Not Pass. He did not appear in person. See attachment #13.

**Lavrene Garlow from Dickinson, North Dakota** provided written testimony in opposition to HB 1197 urging a Do Not Pass. She did not appear in person. See attachment #14

**Leroy Volk, a private citizen**, spoke in opposition to HB 1197. He stated that he is against this bill. He doesn't think that there is fairness in making everyone wear their seat belts. He cannot wear a seat belt because of an injury.

**Lorne Campbell, a private citizen**, spoke in opposition to HB 1197. See attached testimony # 15a and 15b.

**Kevin Herman, a Beulah citizen**, spoke in opposition of HB 1197. He wants the committee to think of the ramifications of going from a secondary enforcement law to a primary enforcement law. There may be situations where it is not applicable to give a ticket. For example, if a



person is going from the street in front of one's house to their garage and doesn't wear a seat belt. He feels the North Dakota Century Code is adequate the way that it is.

**There was no further opposition to HB 1197.**

**Chairman Ruby** closed the hearing on HB 1197.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1197

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02/13/09

Recorder Job Number: 9496

Committee Clerk Signature

*Jeanette Cook*

Minutes:

**Chairman Ruby** brought HB 1197 before the committee.

**Representative Potter** moved a **Do Pass** on HB 1197.

**Representative Gruchalla** seconded the motion.

A roll call vote was taken. **Aye 6 Nay 8 Absent 0**

**The motion failed.**

**Representative Weisz** moved a **Do Not Pass**.

**Representative Weiler** seconded the motion.

A roll call vote was taken. **Aye 8 Nay 6 Absent 0**

**The motion passed.**

**Representative Weisz** will carry the bill.

Date: 2-13-09

Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1197

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do pass ☐ Don't Pass ☐ Amended

Motion Made By Potter Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman		✓	Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓	✓	Representative Griffin		✓
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller		✓	Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt		✓
Representative Sukut		✓	Representative Thorpe	✓	
Representative Vigasaa		✓			
Representative Weisz		✓			

Total Yes 6 No 8

Absent 0

Bill Carrier Failed

If the vote is on an amendment, briefly indicate intent:

Date: 2-13-09

Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1197

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do pass ☒ Don't Pass ☐ Amended

Motion Made By Weisz Seconded By Weiler

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore		✓
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog		✓	Representative Gruchalla		✓
Representative Heller	✓		Representative Potter		✓
Representative R. Kelsch		✓	Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe		✓
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 8 No 6

Absent 0

Bill Carrier Weiler

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1197: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS**  
(8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1197 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

HB 1197

# Attachment #1

## **PRIMARY SEAT BELT LAW FACT SHEET** **SUBMITTED BY JOEL GILBERTSON ON BEHALF OF THE** **ALLIANCE OF AUTOMOBILE MANUFACTURERS IN SUPPORT OF HB 1197**

### **COSTS:**

- Traffic Crashes cost the Nation about \$230 billion each year in medical expense, lost productivity, property damage, and related costs.
  - North Dakota pays \$290 million of these costs.
  - That is \$452 for every resident of North Dakota, each year.
  - About 74 percent of that cost is paid by citizens not involved in the crashes.
- Crashes cost employers more than \$49 million annually in the State, about \$150 per employee.
- The Safety Belt Performance Grants in Section 2005 of SAFETEA-LU would entitle the State to about \$5.1 million if it enacts a new primary seat belt law.

### **PRIMARY SEAT BELT LAWS:**

- NHTSA estimates that if North Dakota were to pass a primary belt law, seat belt usage could increase by approximately 7 percentage points.
- With a primary law, North Dakota will save approximately 7 lives, 57 serious injuries, and \$15 million in costs each year. (Based on a 7.4 percentage point increase from the 2008 seat belt use rate.)

### **USAGE DATA:**

- 18.4 percent of North Dakota's population—over 117,000 people—is still not buckling up.
- An estimated 33 lives were saved by seat belts in North Dakota in 2007, and 18 additional lives could have been saved with 100 percent seat belt use.

### **COMPARISON TO OTHER STATES:**

	<b>North Dakota</b>	<b>Michigan</b>	<b>Illinois</b>
<b>Seat Belt Law</b>	Secondary	Primary	Primary
<b>2008 Observed Use Rate</b>	81.6%	97.2%	90.5%

### **FATALITY DATA:**

- In 2007, 92 people died while riding in cars and light trucks in North Dakota. Of these, 68 percent died while not wearing their seat belts compared to 54 percent nationwide. (2007 FARS Data)
- Over 96 percent (107/111) of the State's motor vehicle traffic fatalities occur in rural areas, and the fatality rate per 100 million vehicle miles traveled is over 11 times higher in rural North Dakota than in urban areas. (2006 FARS Data)
- In 2007, 77 percent of nighttime fatalities in North Dakota were unrestrained compared to 56 percent of daytime fatalities. (2007 FARS Data)

Attachment # 2a

1-30-09

HB 1197

NORTH DAKOTA HIGHWAY PATROL  
2007 FATAL TRAFFIC CRASH SUMMARY

01-14-2007	paved county road, 6 miles south of Marmarth (Bowman County) passenger vehicle – rollover 2 fatalities – 22 year old male and 23 year old male; hometown – Marmarth safety belt not worn; ejected alcohol, attention distracted
01-20-2007	Moffit Road, 5 miles west of Moffit (Burleigh County) passenger vehicle – fixed object (tree) 1 fatality – 4 year old male passenger; hometown – Moffit car seat used attention distracted, medication
01-20-2007	Junction of Co Rd 90 & Co Rd 140, 1 mile east of Hebron (Morton County) pickup – fixed object (tree) 1 fatality – 59 year old male passenger; hometown – Winter Haven, FL safety belt not worn speed/speed too fast, alcohol
01-27-2007	200 Block of 35 <sup>th</sup> Avenue North in Fargo (Cass County) passenger vehicle – fixed object (tree) 1 fatality – 19 year old male driver; hometown – Fargo safety belt not worn; ejected alcohol, speed/speed too fast
02-08-2007	4 <sup>th</sup> Street SE and 66 <sup>th</sup> Avenue SE (5 miles south of Carrington) (Foster Co) 2 pickups – angle collision 1 fatality – 36 year old male driver; hometown – Carrington safety belt not worn (airbag deployed); ejected failed to yield, attention distracted
02-24-2007	US 281, 3 miles west of Rolla (Rolette County) 2 passenger vehicles – angle collision 1 fatality – 39 year old male driver; hometown – Philadelphia, PA safety belt worn improper passing, weather/road conditions
02-28-2007	US 83, MP 117.75, 7 miles north of Wilton (McLean County) passenger vehicle – rollover 2 fatalities – 72 year old male driver and 70 year old female passenger; hometown – Washburn safety belts worn weather/road conditions



- 03-02-2007 US 83, MP 219.5, 20 miles north of Minot (Renville County)  
passenger vehicle and SUV – head on  
2 fatalities – 16 year old female passenger; hometown – Westhope and  
22 year old male passenger; hometown – Minot  
safety belts worn  
speed/speed too fast, weather/road conditions, left of center
- 03-15-2007 I-29, MP 182, 5 miles south of Drayton (Walsh County)  
2 semis – rear end collision  
1 fatality – 68 year old male passenger; hometown – Anola, MB  
safety belt not worn; ejected  
speed/speed too fast, weather/road conditions, vision obstructed,  
following too close, improper passing
- 03-20-2007 3600 East Main Street & Bismarck Expressway (Burleigh County)  
passenger vehicle and SUV (Explorer) – angle collision  
1 fatality – 39 year old male driver; hometown – Bismarck  
safety belt not worn  
failed to yield
- 03-24-2007 US 281, MP 145.30, 4 miles east of Oberon (Benson County)  
passenger vehicle and pickup – angle collision  
1 fatality – 30 year old male passenger; hometown – Ft Totten  
safety belt not worn; ejected  
failed to yield, alcohol, weather/road conditions
- 03-25-2007 US 2, MP 101, 11 miles east of Stanley (Mountrail County)  
passenger vehicle and pickup – head on collision  
2 fatalities – 22 year old male driver and 19 year old female passenger;  
hometown – Santa Cruz and Ben Lomond, CA  
safety belts worn by both victims  
left of center
- 03-26-2007 gravel township road, ½ mile north of Thompson (Grand Forks County)  
van – rollover  
1 fatality – 27 year old male passenger; hometown – Thompson  
safety belt not worn; ejected  
speed/speed too fast, alcohol/drugs
- 04-04-2007 5<sup>th</sup> Avenue NE in Jamestown (Stutsman County)  
pickup – non-collision  
1 fatality – 25 year old male passenger; hometown – Jamestown  
safety belt not worn  
fell/jumped from moving vehicle, alcohol

- 04-14-2007 US 85, MP 79, 4 miles north of Belfield (Stark County)  
GMC Envoy and passenger vehicle – head on collision  
3 fatalities – 23 year old female driver, hometown – Mandan;  
58 year old female passenger, hometown – Mobridge, SD;  
33 year old male driver, hometown – Belfield  
safety belt worn by 23 and 58 year olds; not worn by 33 year old  
left of center, alcohol
- 04-17-2007 ND 200A, 2.5 miles northwest of Washburn (McLean County)  
passenger vehicle/pedestrian  
1 fatality – 5 year old female pedestrian; hometown – Washburn  
safety belt not applicable  
vision obstructed
- 04-24-2007 US 83 & 97<sup>th</sup> Ave NE, MP 94.5, 4.5 miles north of Bismarck (Burleigh Co)  
2 passenger vehicles – angle collision  
2 fatalities – 87 year old male driver and 82 year old female passenger;  
hometown – Isabel, SD  
safety belts worn  
failed to yield
- 04-27-2007 County Road 20, 3 miles east of Alexander (McKenzie County)  
van – rollover  
2 fatalities – 15 year old female driver and female passenger; hometown –  
Williston  
safety belt worn by driver; not worn by passenger – ejected  
speed/speed too fast, inexperience
- 05-02-2007 ND 200, MP 205, 2¾ miles southwest of Turtle Lake (McLean County)  
passenger vehicle – rollover  
1 fatality – 62 year old female driver; hometown – Salol, MN  
safety belt worn  
fatigue
- 05-05-2007 ND 24, MP 2.4, 9 miles south of Fort Yates (Sioux County)  
2 passenger vehicles – head on collision  
2 fatalities – 37 year old male driver and 38 year old female driver;  
hometown – Fort Yates  
safety belt use unknown  
weather/road conditions, vision obstructed, left of center
- 05-08-2007 US 2, MP 135.7, 2 miles west of Burlington (Ward County)  
motorcycle/animal (deer)  
1 fatality – 51 year old male driver; hometown – Surrey  
helmet not worn

- 05-12-2007 5 miles southwest of Halliday on 92 Ave SW (1.3 S of ND 200) (Dunn Co)  
driverless motor vehicle (pickup w/5<sup>th</sup> wheel trailer)/pedestrian  
1 fatality – 57 year old male pedestrian; hometown – Halliday  
safety belt not applicable  
driverless motor vehicle, alcohol
- 05-12-2007 1300 block of North University Drive in Fargo (Cass County)  
SUV/pedestrian (hit and run)  
1 fatality – 18 year old female pedestrian; hometown – East Grand Forks, MN  
safety belt not applicable  
alcohol
- 05-15-2007 Main Avenue and 25<sup>th</sup> Street North in Fargo (Cass County)  
pickup and passenger vehicle – angle collision  
1 fatality – 44 year old male driver; hometown – Fargo  
safety belt worn  
alcohol, speed/speed too fast
- 05-19-2007 BIA Road #2, 5 miles north of Belcourt (Rolette County)  
SUV – rollover  
1 fatality – 16 year old female driver; hometown – Belcourt  
safety belt not worn; ejected;  
speed/speed too fast, attention distracted, alcohol
- 05-25-2007 ND 23, MP 54.3 4 miles east of New Town (Mountrail County)  
passenger vehicle – rollover  
1 fatality – 22 year old female passenger; hometown – Mandaree  
safety belt not worn; ejected  
alcohol, fatigue
- 05-25-2007 BIA #2, 10 miles southwest of St. John (Rolette County)  
passenger vehicle - rollover  
1 fatality – 22 year old male driver; hometown - Belcourt  
safety belt not worn; ejected  
speed/speed too fast, alcohol
- 05-27-2007 92<sup>nd</sup> Avenue NW, 4 miles southwest of Powers Lake (Mountrail Co)  
van – rollover  
1 fatality – 38 year old female driver; hometown – Powers Lake  
safety belt not worn; partially ejected  
alcohol, speed/speed too fast
- 05-28-2007 Grand Forks Co Rd 12, ½ mile south of Northwood (GF County)  
passenger vehicle – rollover  
1 fatality – 41 year old male driver; hometown – Northwood  
safety belt not worn; ejected  
speed/speed too fast, alcohol

- 06-07-2007      BIA #8, 2.5 miles north of Dunseith      (Rolette County)  
pickup – rollover  
2 fatalities – 31 year old female driver and 43 year old male passenger;  
hometown – Dunseith  
safety belts not worn; ejected  
speed/speed too fast, alcohol
- 06-08-2007      Jct of US 2 & Ward Co Rd 10, MP 140, 2 east of Burlington      (Ward Co)  
pickup and passenger vehicle – angle collision  
1 fatality – 84 year old female driver; hometown – Minot  
safety belt worn; airbag deployed  
failed to yield
- 06-09-2007      Co Rd 23, 8 miles southeast of Leonard      (Richland County)  
SUV – rollover  
1 fatality – 19 year old male driver; hometown – Casselton  
safety belt not worn; ejected  
speed/speed too fast
- 06-10-2007      I-29, MP 207, 2 miles north of Joliette      (Pembina County)  
passenger vehicle – rollover  
1 fatality – 18 year old female passenger; hometown – Minot  
safety belt not worn; ejected  
speed/speed too fast, defective equipment
- 06-10-2007      58 Avenue SW & 18 Street South in Fargo      (Cass County)  
motorcycle – non-collision  
1 fatality – 36 year old male driver; hometown – Fargo  
no helmet worn  
careless/care required
- 05-26-2007      ND 67 in Scranton      (Bowman County)  
dirt bike and passenger vehicle – fixed object (building)  
1 fatality – 27 year old male dirt bike driver; hometown – Reeder  
no helmet worn  
alcohol, speed/speed too fast
- 06-16-2007      ND 1804 at intersection w/Desert Road, 4 south of Bismarck      (Burleigh Co)  
motorcycle – non-collision  
1 fatality – 46 year old female passenger; hometown – Bismarck  
no helmet worn  
failed to yield
- 06-22-2007      ND 11, MP 79.7, 3 miles east of Ellendale      (Dickey County)  
tractor with mower – rollover  
1 fatality – 59 year old male driver; hometown – Ellendale  
safety belt not applicable  
right turn on decline of ditch, speed/speed too fast

- 06-29-2007 ND 13, 1 mile east of Gwinner (Sargent County)  
pickup and passenger vehicle – angle collision  
1 fatality – 45 year old male driver; hometown – Gwinner  
safety belt not worn  
alcohol, improper parking
- 06-30-2007 1.5 miles west of Belcourt on Jack Rabbit Road (Rolette County)  
pickup and motorcycle – rear end collision  
2 fatalities – 30 year old male driver and 27 year old male passenger;  
hometown – Belcourt  
safety belt not applicable; no helmets worn  
speed/speed too fast, alcohol
- 07-03-2007 2600 14 Avenue SW near Minot's Souris Golf Course (Ward County)  
passenger vehicle – fixed object (approach/tree)  
1 fatality – 20 year old male passenger; hometown – Minot AFB  
safety belt worn; air bags deployed  
speed/speed too fast
- 07-05-2007 US 12, 2 miles east of Montana state line (Slope County)  
pickup – rollover  
2 fatalities – 26 year old female and 20 year old male passengers;  
hometown – Baker, MT  
safety belts not worn; ejected  
improper evasive action, attention distracted, alcohol
- 07-14-2007 Ransom Co Rd #59, ½ mile north of Sheldon (Ransom County)  
ATV – rollover  
1 fatality – 33 year old male driver; hometown – Lisbon  
safety belt not applicable; helmet not worn  
alcohol, speed/speed too fast
- 07-15-2007 200 block of 17<sup>th</sup> Street NW in Minot (Ward County)  
passenger vehicle/pedestrian  
1 fatality – 31 year old male pedestrian; hometown – Minot  
safety belt not applicable  
alcohol
- 07-21-2007 ND 1806, MP 76.3, 1.3 miles north of Mandan (Morton County)  
pickup – rollover  
1 fatality – 27 year old male driver; hometown – Mandan  
safety belt not worn; ejected  
alcohol, speed/speed too fast
- 07-22-2007 ND 1, MP 51.4, at Jct with ND 46, 20 south of Valley City (LaMoure Co)  
passenger vehicle and truck with trailer – angle collision  
1 fatality – 85 year old female driver; hometown – Enderlin  
safety belt worn  
failed to yield

08-02-2007 County Road 61, 4 miles south of Marion (LaMoure County)  
pickup – fixed object (approach)  
1 fatality – 17 year old male driver; hometown – Marion  
**safety belt not worn**  
fatigue, alcohol

08-02-2007 US 2, MP 15, 4 miles west of Williston (Williams County)  
passenger vehicle – rollover  
1 fatality – 25 year old male passenger; hometown – Cleveland, MS  
**safety belt worn (lap only);** airbag deployed  
alcohol, speed/speed too fast

08-05-2007 County Road 6, Spring Brook Dam Spillway (Williams County)  
pickup – rollover  
2 fatalities – 22 year old male driver; hometown – Odessa, TX and  
27 year old male passenger; hometown – Pasadena, TX  
**safety belts not worn; ejected**  
alcohol, speed/speed too fast

08-09-2007 US 2, 1 mile west of Rugby (Pierce County)  
pickup – rollover  
1 fatality – 24 year old male driver; hometown – Portland, ME  
**safety belt worn; ejected**  
speed/speed too fast, alcohol

08-08-2007 1100 block of 13 Street SE in Minot (Ward County)  
van – rollover  
1 fatality – 56 year old female driver; hometown – Minot  
**safety belt not worn; ejected**  
alcohol/drugs, speed/speed too fast

08-10-2007 BIA Road #4, 12 miles northeast of Dunseith (Rolette County)  
SUV – rollover  
1 fatality – 42 year old male driver; hometown – Dunseith  
**safety belt not worn; ejected**  
speed/speed too fast, alcohol

08-13-2007 ND 49, 12 miles south of Beulah (Mercer County)  
van and passenger vehicle – angle collision  
1 fatality – 17 year old female driver; hometown – Beulah  
**safety belt worn**  
left of center, attention distracted

08-17-2007 ND 200, 8 miles east of Fairview, MT (McKenzie County)  
motorcycle – rollover  
1 fatality – 26 year old male driver; hometown – Williston  
**safety belt not applicable; helmet worn**  
inexperienced driver, weather/road conditions

- 08-19-2007 Co Rd 89 just south of Co Rd 139, 2 miles east of Hebron (Morton Co)  
pickup – rollover  
2 fatalities – 21 year old male driver; hometown – Richardton and  
25 year old male passenger; hometown – Hebron  
safety belts not worn; ejected  
alcohol
- 08-12-2007 gravel township road, 3 miles northwest of Casselton (Cass County)  
pickup and semi truck and trailer – angle collision  
1 fatality – 16 year old male passenger; hometown – Casselton  
safety belt worn  
speed/speed too fast, failed to yield
- 08-22-2007 US 52, MP 112, 1 mile east of Sawyer (Ward County)  
SUV – rollover  
1 fatality – 60 year old female driver; hometown – Minot  
safety belt worn  
improper evasive action, attention distracted, speed/speed too fast
- 08-22-2007 gravel township road, 2 miles southeast of Hannaford (Griggs County)  
pickup and BNSF train  
1 fatality – 93 year old male driver; hometown – Hannaford  
safety belt not worn  
failed to yield, attention distracted
- 08-24-2007 US 2, MP 274.6, EB lane, 5 miles east of Devils Lake (Ramsey County)  
pickup and grain truck – rear end collision  
1 fatality – 18 year old male passenger; hometown – Michigan  
safety belt not worn  
attention distracted
- 09-01-2007 7 Ave SW (South Big Lake Rd), 4 miles south of Cannonball (Sioux Co)  
SUV – rollover  
2 fatalities – 28 year old male driver and 28 year old male passenger;  
hometown – Cannonball  
safety belts not worn; ejected  
alcohol, speed too fast, defective equipment, fatigue
- 09-02-2007 County Road 1621, 4 miles north of Kensal (Foster County)  
passenger vehicle – fixed object (hay bale)  
1 fatality – 15 year old male driver; hometown – Kensal  
safety belt not worn  
fatigue, speed/speed too fast
- 09-08-2007 gravel county road, 10 miles east and 1.4 south of Sheyenne (Eddy County)  
passenger vehicle – rollover  
1 fatality – 17 year old male driver; hometown – St. Michael  
safety belt not worn  
alcohol, speed/speed too fast

- 09-16-2007 ND 24, MP 25, 2 miles north of Prairie Knights Casino (Sioux County)  
passenger vehicle and Blazer – sideswipe passing  
1 fatality – 26 year old male driver; hometown – Fort Yates  
safety belt not worn  
alcohol, speed/speed too fast, improper passing
- 09-19-2007 Co Rd 136A, 4 miles west of Hwy 1806 (Morton County)  
pickup – rollover  
1 fatality – 45 year old male driver; hometown – Fort Rice  
safety belt not worn; partially ejected  
improper evasive action, alcohol
- 09-21-2007 ND 11, MP 110, 4 miles east of Oakes (Sargent County)  
pickup – rollover  
1 fatality – 25 year old male driver; hometown – Columbia Heights, MN  
safety belt not worn; ejected  
alcohol
- 09-28-2007 ND 200, MP 328, 8 miles east of Glenfield (Griggs County)  
single axle straight truck – rollover  
1 fatality – 29 year old male driver; hometown – Jamestown  
safety belt not worn; partially ejected  
driver error
- 09-28-2007 ND 34, MP 44.75, 19 miles east of Napoleon (Logan County)  
motorcycle – non-collision  
1 fatality – 49 year old male driver; hometown – Dawson  
helmet not worn  
attention distracted, speed/speed too fast, alcohol
- 10-01-2007 ND 200, MP 97.8, 3 miles east of Killdeer (Dunn County)  
SUV – rollover  
2 fatalities – 27 year old female driver; hometown – Killdeer  
45 year old male passenger; hometown – Dunn Center  
safety belt not worn by either victim; both ejected  
alcohol, speed/speed too fast
- 10-06-2007 ND 8, MP 67.7, 12.6 miles south of Richardton (Stark County)  
passenger vehicle and pickup – angle collision  
1 fatality – 24 year old male passenger; hometown – Bismarck  
safety belt not worn  
failed to yield
- 10-06-2007 ND 65, MP 8.40, 8 miles northwest of Cooperstown (Griggs County)  
single unit propane truck – rollover  
1 fatality – 59 year old male driver; hometown – Cooperstown  
safety belt worn  
fatigue



10-07-2007 BIA Road 5, 2 miles northeast of Belcourt (Rolette County)  
pickup – rollover  
1 fatality – 18 year old male driver; hometown – Dunseith  
safety belt not worn; ejected  
speed/speed too fast, alcohol

10-07-2007 ISR 8, 1 mile southwest of Fort Totten (Benson County)  
passenger vehicle – fixed object (approach and tree)  
1 fatality – 18 year old male driver; hometown – Fort Totten  
safety belt not worn; ejected  
alcohol, speed/speed too fast

10-08-2007 ND 1, MP 22.4, 6 miles north of Oakes (Dickey County)  
pickup and semi w/trailer – angle collision  
1 fatality – 78 year old male driver; hometown – Oakes  
safety belt usage unknown  
failed to yield

10-11-2007 US 2, MP 249.4, 1 mile from Churchs Ferry (Benson County)  
pickup/pedestrian  
1 fatality – 37 year old male pedestrian; hometown – Minot  
safety belt not applicable  
alcohol

10-14-2007 32<sup>nd</sup> Avenue South in Fargo (3/4 mile west of 45<sup>th</sup> Street) (Cass County)  
passenger vehicle – rollover  
1 fatality – 27 year old male driver; hometown – Fargo  
safety belt not worn; ejected  
alcohol, speed/speed too fast

10-16-2007 Demers Avenue in Grand Forks (Grand Forks County)  
passenger vehicle – fixed object (traffic control light)  
1 fatality – 21 year old male passenger; hometown – Grand Forks  
safety belt usage unknown  
alcohol, speed/speed too fast

10-21-2007 gravel road, 5.5 miles south and 4 west of Mandan (Morton County)  
passenger vehicle – rollover  
1 fatality – 16 year old female driver; hometown – Mandan  
safety belt not worn; ejected  
speed/speed too fast, alcohol

10-25-2007 ND 27 at junction with ND 18, 12 miles north of Wyndmere (Richland Co)  
pickup with trailer – rollover  
1 fatality – 46 year old male passenger; hometown – Cogswell  
safety belt not worn; ejected  
alcohol, attention distracted

- 10-10-2007 ND 23, 6 miles west of New Town (McKenzie County)  
SUV – rollover  
1 fatality – 14 year old male passenger; hometown – New Town  
**safety belt not worn; ejected**  
alcohol, speed/speed too fast, left of center
- 10-27-2007 Ward County Road 10, 2 miles northeast of Burlington (Ward County)  
SUV – rollover (vehicle burned)  
1 fatality – 27 year old male driver; hometown – Minot  
safety belt usage unknown  
speed/speed too fast, alcohol
- 10-28-2007 ND 3, MP 172.5, 12.5 miles north of Harvey (Pierce County)  
pickup towing a trailer/animal (deer)  
1 fatality – 33 year old female driver; hometown – Burlington  
**safety belt not worn**
- 10-29-2007 I-94, .1 mile east of Exit 258 at Jamestown (Stutsman County)  
semi w/trailer, pickup, van – head-on collision  
1 fatality – 49 year old female driver; hometown – Baudette, MN  
**safety belt not worn**  
wrong way on one-way
- 11-06-2007 66<sup>th</sup> Avenue Southeast, 14 miles southeast of Ashley (Dickey County)  
SUV and pickup – head-on collision  
1 fatality – 42 year old male driver; hometown – Redfield, SD  
**safety belt not worn**  
vision obstructed (dust from roadway), speed/speed too fast
- 11-06-2007 US 85, MP 6, 10 miles south of Bowman (Bowman County)  
pickup pulling car on a dolly trailer – rollover  
1 fatality – 19 year old male driver; hometown – Mandan  
**safety belt not worn; ejected**  
speed/speed too fast
- 11-08-2007 County Road 21, 4.5 miles south of Hankinson (Richland County)  
passenger vehicle – rollover  
1 fatality – 31 year old female driver; hometown – Wahpeton  
**safety belt not worn; ejected**  
speed/speed too fast, alcohol
- 11-09-2007 Jct 74 St SE & 120 Ave SE, 4 miles south of Englevale (Ransom Co)  
pickup and pickup w/2 empty anhydrous nurse tanks – angle collision  
1 fatality – 19 year old female driver; hometown – Englevale  
**safety belt not worn; partially ejected**  
failed to yield

11-14-2007 Intersection of US 2 and ND 40, 4 miles south of Tioga (Williams Co)  
pickup – rollover  
1 fatality – 28 year old male passenger; hometown – Fargo  
safety belt not worn; ejected  
alcohol

11-11-2007 BIA Road #7, 3 miles north of Belcourt (Rolette County)  
pickup – rollover  
1 fatality – 64 year old male driver; hometown – Belcourt  
safety belt not worn; ejected

11-21-2007 4900 Silvergate Drive, Gateway Terrace Trailer Park in GF (GF Co)  
ATV – rollover  
1 fatality – 39 year old male driver; hometown – Grand Forks  
safety belt not applicable; helmet not worn  
fell/jumped from moving vehicle, speed/speed too fast, alcohol

11-23-2007 I-94, MP 239.25, ½ mile south of Cleveland (Stutsman County)  
passenger vehicle and ? – head-on collision  
1 fatality – 69 year old female passenger; hometown – Braddock  
safety belt worn  
weather/road conditions, speed/speed too fast

11-24-2007 Prairie trail 3.5 miles west of Portal (Burke County)  
pickup – rollover  
1 fatality – 26 year old male driver; hometown – Fargo  
safety belt not worn; ejected  
alcohol, speed/speed too fast

12-01-2007 ND 1806, MP 40, 28 miles south of Mandan (Morton County)  
passenger vehicle – rollover  
1 fatality – 55 year old male driver; hometown – Mandan  
safety belt not worn; ejected  
speed/speed too fast, weather/road conditions, alcohol

12-01-2007 ND 23, MP 53, 4 miles east of New Town (Mountrail County)  
van and semi w/water trailer – rear end collision  
1 fatality – 49 year old male driver; hometown – Parshall  
safety belt not worn; ejected  
alcohol

12-06-2007 ND 24, MP 17, approx. 8 miles north of Ft. Yates (Sioux County)  
pickup – rollover  
1 fatality – 38 year old male driver; hometown – Fort Yates  
safety belt not worn; ejected  
alcohol, speed/speed too fast

- 12-12-2007 US 12, MP 18.5, 3 miles west of Rhame (Bowman County)  
pickup – rollover  
1 fatality – 61 year old male driver; hometown – Marmarth  
safety belt not worn; ejected  
speed/speed too fast, road/weather conditions
- 12-22-2007 I-29, MP 71, 2 miles south of Harwood (Cass County)  
pickup – rollover  
1 fatality – 24 year old male driver; hometown – Harwood  
safety belt not worn; ejected  
speed/speed too fast, alcohol, weather/road conditions

Attachment #26

HB 1197

1-30-09

NORTH DAKOTA HIGHWAY PATROL  
2008 FATAL TRAFFIC CRASH SUMMARY

01-03-2008	I-94, MP 290, 1 mile west of Valley City SUV – rollover 1 fatality – 30 year old female driver; hometown – LaMoure <b>safety belt not worn; ejected</b> weather/road conditions	(Barnes County)
01-04-2008	gravel township road, 5.5 miles northwest of Mohall ATV – rollover 1 fatality – 52 year old male driver; hometown – Mohall safety belt not applicable speed/speed too fast, alcohol	(Renville County)
01-11-2008	ND 1, 10 miles north of Langdon Semi and Jeep – angle collision 1 fatality – 60 year old male driver; hometown – Osnabrock <b>safety belt not worn</b> failed to yield	(Cavalier County)
01-13-2008	2933 83 St S (gravel rd), 2 west of Grand Forks SUV – rollover 1 fatality – 36 year old male driver; hometown – Grand Forks <b>safety belt not worn; ejected</b> alcohol, speed/speed too fast	(Grand Forks County)
01-18-2008	I-94, MP 278.3, at Eckelson Lake, 14 west of Valley City SUV – rollover 1 fatality – 57 year old male driver; hometown – Fargo safety belt not worn; ejected	(Barnes County)
01-17-2008	I-29, MP 136, 2 miles south of Grand Forks passenger vehicle – rollover 1 fatality – 17 year old female passenger; hometown – Northwood <b>safety belt not worn; ejected</b> weather/road conditions, speed/speed too fast	(Grand Forks County)
01-27-2008	ND 24, MP 9, 2 miles southwest of Fort Yates pickup/pedestrian 1 fatality – 41 year old male pedestrian; hometown – Cannonball safety belt not applicable alcohol, improper evasive action	(Sioux County)
02-07-2008	Apple Creek Rd, 6 miles east of Bismarck (east of 93 St) pickup – rollover 1 fatality – 26 year old male driver; hometown – Menoken <b>safety belt not worn; ejected</b> alcohol, attention distracted	(Burleigh Co)

02-23-2008 Main Street and Central Avenue, Hazen (Mercer County)  
passenger vehicle and pedestrian (wheelchair)  
1 fatality – 82 year old male pedestrian; hometown – Hazen  
safety belt not applicable  
failed to yield, attention distracted, speed/speed too fast

02-25-2008 2000 block of University Drive South, Fargo (NB lanes) (Cass County)  
pickup and pedestrian  
1 fatality – 53 year old male pedestrian; hometown – Mpls, MN  
safety belt not applicable

03-01-2008 1300 block of Valley Street in Minot (Ward County)  
passenger vehicle and SUV – head-on  
1 fatality – 59 year old male driver; hometown – Minot  
safety belt not worn  
speed/speed too fast, alcohol

02-29-2008 I-29, MP 19.5, 10 miles west and 4 south of Wahpeton (Richland Co)  
SUV – rollover  
1 fatality – 18 year old female driver; hometown – Aberdeen, SD  
safety belt not worn; ejected  
speed/speed too fast, weather/road conditions

03-16-2008 Ward County #19, 2 miles north of Minot (Ward County)  
pickup – fixed object (washout)  
1 fatality – 21 year old male driver; hometown – Minot  
safety belt usage unknown  
alcohol, improper evasive action

03-20-2008 US 2, MP 90, junction with ND 8 at Stanley (Mountrail County)  
pickup and semi – angle collision  
1 fatality – 25 year old male driver; hometown – Mohall  
safety belt worn; airbag  
failed to yield, fatigue

03-22-2008 county/township road, 1 east and 4 north of Center (Oliver County)  
(1 mile east on ND 25 and 4 miles north on 36 Avenue SW)  
pickup – rollover  
2 fatalities – 24 and 22 year old male passengers; hometowns – Hazen and  
Mandan  
safety belts not worn; ejected  
alcohol, speed/speed too fast

03-29-2008 ND 22, MP 131.3, 10 miles south of Jct ND 22/23 (Dunn County)  
pickup – rollover  
1 fatality – 25 year old male driver; hometown – Mandaree  
safety belt not worn; partially ejected  
alcohol, weather/road conditions, speed/speed too fast

03-31-2008 Walsh Co Rd 4, 4 miles north of Warsaw (Walsh County)  
SUV – rollover  
1 fatality – 50 year old female driver; hometown – Oak Bluff, MB  
safety belt not worn; partially ejected  
alcohol, speed/speed too fast

04-06-2008 I-94, EB, 1 mile west of Fryberg (Billings County)  
pickup towing a bumper-hitch trailer – rollover  
1 fatality – 27 year old male driver; hometown – Bismarck  
safety belt worn  
weather/road conditions, cruise control on ice, speed/speed too fast

04-12-2008 Bottineau Co Rd 6, 4 miles east of Souris (Bottineau County)  
pickup – rollover  
1 fatality – 39 year old male driver; hometown – Dunseith  
safety belt not worn  
alcohol, attention distracted

04-15-2008 ND 22, MP 154, 10 miles west of New Town (McKenzie County)  
van – rollover  
1 fatality – 29 year old male driver; hometown – Mandaree  
safety belt not worn; ejected  
alcohol, speed/speed too fast

04-18-2008 county gravel road, 3 miles northwest of Adams (Walsh County)  
3 motorcycles – rear end  
1 fatality – 17 year old male driver; hometown – Adams  
safety belt not applicable; no helmet  
alcohol, speed/speed too fast, vision obstructed

04-19-2008 I-29, MP 139.5, at Grand Forks (Grand Forks County)  
passenger vehicle – rollover  
1 fatality – 19 year old male driver; hometown – GFAFB  
safety belt use not known; ejected  
speed/speed too fast, abrupt lane change

04-26-2008 US 281, MP 242.3, 4 miles west of Belcourt (Rolette County)  
passenger vehicle and pickup – head on  
1 fatality – 21 year old male driver; hometown – St. John  
safety belt not worn  
left of center, alcohol

04-25-2008 Williams Co Rd 6, 1 mile east of Carolville (Williams County)  
motorcycle – rollover  
1 fatality – 50 year old male driver; hometown – Williston  
safety belt not applicable; helmet worn  
alcohol

04-29-2008 ND 58, MP 8.3 8 miles north of Fairview, MT (McKenzie County)  
pickup – rollover  
1 fatality – 45 year old female driver; hometown – Sidney, MT  
safety belt not worn; ejected  
alcohol

05-02-2008 76<sup>th</sup> Street NE, 3 miles west of Auburn (Walsh County)  
pickup – rollover  
1 fatality – 68 year old female driver; hometown – Grafton  
safety belt not worn; ejected  
speed/speed too fast, weather/road conditions

05-10-2008 US 83, MP 23.1, 2 miles south of Linton (Emmons County)  
passenger vehicle – rollover  
1 fatality – 56 year old male driver; hometown – Linton  
safety belt not worn  
alcohol, speed/speed too fast

05-18-2008 ND 23, MP 63.2, 12 miles east of New Town (Mountrail County)  
passenger vehicle, pickup, SUV, van – sideswipe meeting  
1 fatality – 49 year old female passenger; hometown – New Town  
safety belt not worn  
left of center, alcohol

05-19-2008 ND 200, MP 142, 4 miles east of Zap (Mercer County)  
pickup – rollover  
1 fatality – 30 year old male passenger; hometown – Bismarck  
safety belt not worn; ejected  
alcohol, speed/speed too fast

05-20-2008 ND 5, MP 182, 4 miles east of Bottineau (Bottineau County)  
passenger vehicle – rollover  
1 fatality – 84 year old female driver; hometown – Bottineau  
safety belt not worn; ejected  
physical impairment

05-26-2008 Jct of US 52 and ND 15 at Fessenden (Wells County)  
2 passenger vehicles – head on collision  
1 fatality – 94 year old male driver; hometown – Fessenden  
safety belt not worn  
failed to yield

06-03-2008 US 2/52 and 15 Street SE, Minot (Ward County)  
2 passenger vehicles – angle collision  
1 fatality – 98 year old female driver; hometown – Minot  
safety belt not worn  
failed to yield



06-10-2008 38 Ave NE, gravel road approx. 8 miles south of Rolette (Pierce County)  
passenger vehicle – rollover (water)  
1 fatality – 16 year old female driver; hometown – Rolette  
safety belt not worn  
speed/speed too fast

06-14-2008 US 281, MP 255, 2 miles north of Dunseith (Rolette County)  
2 passenger vehicles – sideswipe meeting  
1 fatality – 55 year old male passenger; hometown – Brandon, MB  
safety belt not worn  
alcohol, left of center

06-16-2008 39R Street SW, 2 south and 2 west of South Heart (Stark County)  
passenger vehicle – rollover  
1 fatality – 22 year old female driver; hometown – Richardton  
safety belt not worn; ejected  
attention distracted, fatigue, speed/speed too fast, alcohol

06-16-2008 East Villard and 4<sup>th</sup> Avenue SE in Dickinson (Stark County)  
motorcycle and passenger vehicle – angle collision  
1 fatality – 23 year old male MC driver; hometown – New Hradec  
safety belt not applicable; helmet worn  
speed/speed too fast, failed to yield

06-16-2008 US 83, MP 201, North Broadway in Minot (Ward County)  
pickup – non-collision  
1 fatality – 39 year old female passenger; hometown – Minot  
safety belt not worn  
jumped from moving vehicle, alcohol

06-22-2008 Apple Creek Road, 3 miles west of Menoken (Burleigh County)  
pickup – rollover  
1 fatality – 39 year old male driver; hometown – Menoken  
safety belt not worn; partially ejected  
alcohol, fatigue

06-24-2008 ND 1806, MP 58.8, 10 miles south of Mandan (Morton County)  
motorcycle – rollover  
1 fatality – 46 year old male driver; hometown – Bismarck  
safety belt not applicable; helmet not worn  
speed/speed too fast

06-25-2008 Co Rd 81, 3 miles north of Dwight (Richland County)  
motorcycle/animal (deer)  
1 fatality – 42 year old male driver; hometown – Wahpeton  
safety belt not applicable

06-30-2008 US 52, MP 99, 1 mile southeast of Minot (Ward County)  
motorcycle/deer  
1 fatality – 51 year old male driver; hometown – Minot  
safety belt not applicable; helmet not worn

07-01-2008 59<sup>th</sup> Ave NE & ND 17, 8 miles west of Cando (Towner County)  
SUV and pickup – rear end collision  
1 fatality – 52 year old male passenger; hometown – Bismarck  
safety belt worn; airbag deployed  
vision obstructed, not familiar with area

07-06-2008 66<sup>th</sup> Ave SE, ½ mile north of ND 200, ¾ mile from Carrington (Foster Co)  
pickup and bicycle – head on collision  
1 fatality – 20 year old male bicycle rider; hometown – Carrington  
safety belt not applicable; no helmet worn  
alcohol, left of center

07-09-2008 US 83, MP 170, 1.8 miles south of Max (McLean County)  
truck tractor with trailer – rollover  
1 fatality – 39 year old male driver; hometown – Jamestown  
safety belt worn  
attention distracted

07-10-2008 72<sup>nd</sup> Street NW and CP train crossing, Minot (Ward County)  
passenger vehicle/train  
1 fatality – 19 year old female driver; hometown – Minot  
safety belt not worn; airbag deployed  
failed to yield

07-13-2008 Cass County Road 1, 1.5 miles south of Tower City (Barnes County)  
van – rollover  
1 fatality – 30 year old male passenger; hometown – Valley City  
safety belt worn  
speed/speed too fast, overcorrected

07-13-2008 ND 17, MP 114, 3 miles east of Park River (Walsh County)  
pickup/SUV – non-collision  
1 fatality – 32 year old female passenger; hometown – Grafton  
safety belt usage unknown  
fell/jumped from moving vehicle, alcohol

07-15-2008 20<sup>th</sup> St NE & 34<sup>th</sup> Ave NE, 6 north of Manvel, 1 east of Hwy 81 (GF County)  
pickup and ATV – angle collision  
1 fatality – 9 year old male ATV driver; hometown – Manvel  
safety belt not applicable; helmet not worn  
failed to yield, vision obstructed, age of operator

07-17-2008      **construction zone** on Cass Co Rd 10, 6 miles west of West Fargo      (Cass Co)  
SUV/Pedestrian  
1 fatality – 26 year old male pedestrian; hometown – Fargo  
safety belt not applicable  
medical/diabetic

07-18-2008      Oberon Road, 1.25 miles west of Oberon (SW of Devils Lake)      (Benson Co)  
pickup – rollover  
2 fatalities – 37 year old female driver; hometown – Heath, TX and  
43 year old female passenger; hometown – Suwanee, GA  
**safety belts not worn; both ejected**  
speed/speed too fast, alcohol, improper evasive action

07-20-2008      Morton Co Rd 139, 2 miles east of New Salem      (Morton County)  
passenger vehicle – fixed object (culvert)  
1 fatality – 21 year old male passenger; hometown – Bismarck  
**safety belt not worn; ejected**  
alcohol, speed/speed too fast

07-25-2008      ND 18, MP 106.1, ½ mile south of Blanchard      (Traill County)  
SUV and semi – sideswipe meeting  
1 fatality – 72 year old female driver; hometown – Cummings  
safety belt worn  
left of center, no warning/hazard lighting

07-02-2008      ND200A, MP 926, ½ mile north of Washburn      (McLean County)  
pickup and passenger vehicle – rear end collision  
1 fatality – 87 year old male driver; hometown – Washburn (died July 27)  
**safety belt not worn**  
attention distracted, speed/speed too fast

07-30-2008      ND 23, MP 54.5, 5 miles east of New Town      (Mountrail County)  
semi and pickup – sideswipe passing  
1 fatality – 23 year old female driver; hometown – New Town  
safety belt usage unknown  
improper passing

08-03-2008      Old Hwy 281, approx. 1 mile north of Minnewaukan      (Benson County)  
pickup – non-collision (victim drowned)  
1 fatality – 25 year old male passenger; hometown – Fargo  
safety belt worn  
attention distracted, alcohol

08-03-2008      3<sup>rd</sup> Avenue East in Bowman      (Bowman County)  
motorcycle and parked semi truck – sideswipe passing  
1 fatality – 25 year old male driver; hometown – Scranton  
safety belt not applicable; helmet not worn  
alcohol, weather/road conditions

08-06-2008      Stutsman Co Rd 40, 3 miles east of Jamestown      (Stutsman County)  
passenger vehicle – rollover  
1 fatality – 43 year old male driver; hometown – Jamestown  
safety belt not worn; ejected  
alcohol, speed/speed too fast

08-07-2008      Intersection of ND 15 & Eddy Co Rd 14 (66 Ave NE)      (Eddy County)  
minivan and semi truck/trailer – angle collision  
1 fatality – 36 year old female driver; hometown – Sykeston  
safety belt not worn  
failed to yield

08-09-2008      US 2, MP 93, 3 miles east of Stanley      (Mountrail County)  
SUV – rollover  
1 fatality – 53 year old male passenger; hometown – Grand Forks  
safety belt worn; ejected

08-10-2008      gravel road, 3 west of ND 3 on ND 43 & 1 north, N of Dunseith      (Rolette Co)  
passenger vehicle – fixed object (trees)  
1 fatality – 43 year old male driver; hometown – Bottineau  
safety belt not worn  
speed/speed too fast, alcohol

08-06-2008      US 2, MP 147, 13<sup>th</sup> Street SE in Minot      (Ward County)  
passenger vehicle and pickup/van – angle collision  
1 fatality – 86 year old female passenger; hometown – Minot  
safety belt worn  
vision obstructed, failed to yield

08-15-2008      US 81, MP 169.3, 5.3 miles north of Manvel      (Grand Forks County)  
passenger vehicle – rollover  
1 fatality – 50 year old male driver; hometown – Minto  
safety belt not worn; ejected  
alcohol, speed/speed too fast

08-14-2008      ND 41, 9 miles north of Turtle Lake      (McLean County)  
motorcycle – rollover  
1 fatality – 36 year old female passenger; hometown – Valley City  
safety belt not applicable  
alcohol, attention distracted

08-15-2008      ND 50, MP 71, .2 mile east of Powers Lake      (Burke County)  
passenger vehicle and pickup/van – angle collision  
1 fatality – 16 year old male passenger; hometown – Kenmare  
safety belt not worn  
failed to yield

- 08-15-2008 ND 14, MP 131.5, 6 miles south of Upham (McHenry County)  
motorcycle and tractor and swather – rear end collision  
1 fatality – 49 year old male motorcycle driver; hometown – Towner  
safety belt not applicable; helmet not worn  
alcohol, speed/speed too fast
- 08-30-2008 Jct West Main Ave & West Rosser Ave in Bismarck (Burleigh County)  
motorcycle – rollover  
1 fatality – 38 year old male motorcycle driver; hometown – Bismarck  
safety belt not applicable, helmet not worn  
alcohol, speed/speed too fast
- 08-31-2008 4600 Coleman St, 900 ft from intersection of 43 Ave NE & Bremner Ave  
in Bismarck (Burleigh County)  
motorcycle – fixed object (rocks & sewer structure)  
1 fatality – 53 year old male motorcycle driver; hometown – Bismarck  
safety belt not applicable; helmet not worn  
alcohol
- 09-02-2008 BIA Rd 13, 7.5 east and .9 mile north of Dunseith (Rolette County)  
pickup/van – rollover  
1 fatality – 29 year old female driver; hometown – Dunseith  
safety belt not worn; ejected  
speed/speed too fast
- 09-07-2008 12 east and 2 south of Linton; east ditch of 19 Ave SE, 2 south of ND 13  
2 dirt bikes – head on (Emmons County)  
1 fatality – 13 year old male driver; hometown – Linton  
safety belt not applicable; helmet worn  
vision obstructed
- 09-12-2008 Jct of ND 48/ND 200A, 9 miles north of Center (Mercer County)  
passenger vehicle – rollover  
1 fatality – 47 year old male driver; hometown – Hoyt Lakes, MN  
safety belt not worn; ejected  
speed/speed too fast, alcohol, left of center
- 09-16-2008 25<sup>th</sup> Street and 30½ Avenue South in Fargo (Cass County)  
motorcycle and SUV – angle collision  
1 fatality – 20 year old male MC driver; hometown – Fargo  
safety belt not application; helmet not worn  
speed/speed too fast
- 09-20-2008 township road, 1.5 miles south of Crystal (Pembina County)  
passenger vehicle – rollover  
1 fatality – 15 year old female passenger; hometown – Crystal  
safety belt not worn; partially ejected  
alcohol, speed/speed too fast

09-30-2008 ND 6, MP 39.8, 4.4 miles north of Breien (Morton County)  
boom truck – rollover  
1 fatality – 26 year old male driver; hometown – Mandan  
safety belt not worn; ejected  
attention distracted

09-29-2008 ND 32, MP 103.1, 3 west and 1 south of Hope (Steele County)  
passenger vehicle and tandem axle truck – angle collision  
2 fatalities – 75 year old male driver; hometown – Hope  
43 year old male driver; hometown – Valley City  
safety belt not worn by 75 year old; unknown if worn by 43 year old  
failed to yield

09-30-2008 US 2 at Jct of 13 Street SE, Minot (Ward County)  
passenger vehicle and single axle cargo truck – angle collision  
1 fatality – 30 year old male driver; hometown – Minot  
safety belt worn  
failed to yield

10-02-2008 gravel road, 6 miles north and 1.5 miles east of Pettibone (Kidder County)  
pickup – rollover  
1 fatality – 61 year old female driver; hometown – Pettibone  
safety belt not worn; ejected  
speed/speed too fast

10-07-2008 ND 23, MP 18, 18 miles east of Watford City (McKenzie County)  
SUV and pickup – sideswipe meeting  
1 fatality – 24 year old male driver; hometown – Williston  
safety belt worn; airbag deployed  
left of center

10-03-2008 ND 18, MP 19, approx. 7 miles north of Lidgerwood (Richland County)  
passenger vehicle – non-collision  
1 fatality – 93 year old male driver; hometown – Lidgerwood  
safety belt not worn

10-07-2008 East I-94 Business Loop and I-94 Exit 64 at Dickinson (Stark County)  
pickup with stock trailer and passenger vehicle – angle collision  
2 fatalities – 84 year old male driver and 81 year old female passenger;  
hometown – Bismarck  
safety belts worn by both victims; airbags deployed  
failed to yield

10-15-2008 paved county road, 2 miles southeast of Hettinger (Adams County)  
SUV – rollover  
1 fatality – 21 year old male driver; hometown – Hettinger  
safety belt not worn; ejected  
speed/speed too fast, alcohol

- 10-15-2008 gravel road, 4 miles west of Gwinner on 79 St SE (Sargent County)  
pickup – rollover  
1 fatality – 24 year old male passenger; hometown – Lisbon  
safety belt not worn; ejected  
alcohol
- 10-17-2008 ND 13, MP 379, 1 mile west of Mooreton (Richland County)  
straight truck and semi – angle collision  
1 fatality – 56 year old male driver; hometown – Fargo  
safety belt worn  
left of center
- 10-17-2008 ND 18, MP 138.8, 1.5 miles north of Hatton (Traill County)  
SUV (and passenger vehicle) – rollover  
1 fatality – 17 year old female driver; hometown – Hatton  
safety belt not worn; ejected  
speed/speed too fast
- 10-17-2008 ND 23, 4 miles west of New Town (McKenzie County)  
van and passenger vehicle – head-on collision  
3 fatalities – 17 year old female driver and 6 month old male passenger;  
hometown – Mandaree  
47 year old female passenger; hometown – Killdeer  
safety belts not worn by adults; infant in a car seat but seat not secured  
alcohol, left of center
- 10-24-2008 ND 20, MP 97.8, 5 miles south of Devils Lake (Ramsey County)  
passenger vehicle – rollover (water)  
1 fatality – 24 year old male passenger; hometown – Ft. Totten  
safety belt not worn  
alcohol, fatigue, speed/speed too fast
- 10-31-2008 Co. Rd. 4 at the Wild Rice River, 5 miles NW of Abercrombie (Richland Co)  
passenger vehicle – rollover  
1 fatality – 31 year old male driver; hometown – Wyndmere  
safety belt not worn; ejected  
speed/speed too fast, alcohol
- 11-09-2008 ND 22, MP 124, 19 miles north of Killdeer (Dunn County)  
pickup – non-collision  
2 fatalities – 31 year old male driver; hometown – Belcourt  
38 year old female passenger; hometown – Parshall  
safety belts not worn  
alcohol, speed/speed too fast, weather/road conditions

- 11-15-2008 Jct of Co Rd 81 and Co Rd 2, 7 miles north of Abercrombie (Richland Co)  
van – rollover  
1 fatality – 42 year old male passenger; hometown – Fargo  
safety belt not worn; ejected  
alcohol, attention distracted
- 11-15-2008 92<sup>nd</sup> Street and Wolf Avenue in Fort Yates (Sioux County)  
hit and run vehicle/pedestrian  
1 fatality – 47 year old male pedestrian; hometown – Fort Yates  
safety belt not applicable  
failed to yield, attention distracted
- 11-20-2008 Cass Co Rds 17 and 22, 1.5 miles southwest of Harwood (Cass County)  
2 pickups – head on  
1 fatality – 28 year old male driver; hometown – Felton, MN  
safety belt not worn  
left of center, speed/speed too fast, alcohol
- 11-29-2008 Main Street in Parshall (Mountrail County)  
passenger vehicle – fixed object (tree)  
1 fatality – 22 year old male driver; hometown – Parshall  
safety belt not worn  
speed/speed too fast
- 11-29-2008 ND 5, MP 41, 7 miles east of Crosby (Divide County)  
passenger vehicle and semi with trailer – sideswipe meeting  
1 fatality – 33 year old female driver; hometown – Crosby  
safety belt worn  
left of center, fatigue
- 12-06-2008 Co Rd 1, 1 mile south of Hwy 68 (McKenzie County)  
van and workover rig – head on  
1 fatality – 67 year old male driver; hometown – Cartwright  
safety belt not worn; airbag deployed  
improper passing
- 12-10-2008 East Broadway & North 7<sup>th</sup> Street, Bismarck (Burleigh County)  
pickup/pedestrian  
1 fatality – 70 year old male pedestrian; hometown – Bismarck  
safety belt not applicable  
failed to yield, vision obstructed
- 12-10-2008 4200 block of South University Dr, north of El Cano Dr, in Fargo (Cass Co)  
passenger vehicle, minivan, SUV – angle collision  
1 fatality – 8 year old female passenger; hometown – Fargo  
safety belt worn  
road/weather conditions, speed/speed too fast



- 12-12-2008 ND 1804, MP 247.5, ½ mile north of New Town (Mountrail County)  
pickup/pedestrian  
1 fatality – 18 year old male pedestrian; hometown – New Town  
safety belt not applicable  
pedestrian on roadway, attention distracted
- 12-26-2008 I-29, MP 17.80, 5 miles south of Mooreton (Richland County)  
semi with trailer, SUV, passenger vehicle – angle collision  
1 fatality – 47 year old female passenger; hometown – West Fargo  
safety belt worn; air bag deployed  
road/weather conditions, speed/speed too fast



## TRENDS IN PERSONAL AUTO INSURANCE PREMIUMS AND PRIMARY SEAT BELT LAW ENACTMENT

At the present time, all states except New Hampshire have a law that requires drivers and their passengers<sup>1</sup> to wear seat belts in an automobile. Twenty-seven (27) states have a primary seat-belt law that allows law enforcement officers to stop motorists and ticket them if they are not wearing their seatbelts. The remaining 24 states have secondary enforcement laws whereby officers can cite motorists for not buckling up only if they have been stopped for a separate violation (e.g., speeding, DUI, lack of headlights, etc.).

Previous studies demonstrate the benefits of seat belt usage and the benefits of upgrading from a secondary law to a primary law, or having a primary law to begin with. Findings from several of these studies include the following:

- States could increase seat belt usage by 10 percent and improve public safety considerably by upgrading to primary enforcement.<sup>2</sup> Specifically, states that went from a secondary to a primary enforcement law had an increase of 27.2 points in seatbelt usage (from 55.5% to 82.7%) during the period studied; on the other hand, states that had primary enforcement throughout the analysis had an increase of 17.7 points (from 68.4% to 86.1%).
- A strong connection exists between primary enforcement laws and a reduction in fatalities. Primary enforcement states showed nearly double the reduction in fatalities compared to secondary states. Furthermore, an upgrade to primary enforcement was associated with a 5.1 percent decline in fatalities for drivers and a 4.7 percent decrease in all vehicle occupant fatalities.<sup>3</sup>
- According to traffic safety researchers and the National Highway Traffic Safety Administration (NHTSA), seatbelts reduce a person's chances of dying in a crash by 45 percent and being injured by 50 percent. Because seatbelts lessen the severity of injury during a crash, the average inpatient charge for an unbelted driver is over 60 percent greater than the charge for a belted driver.<sup>4</sup>

Although many different studies have been conducted on seatbelt laws (particularly primary enforcement) and its impact on injuries and fatalities, the impact of primary enforcement on auto insurance rates typically has not been studied. The lack of an analysis is due to the many other factors (e.g., costs of medical care and body shop repair, claiming behavior, attorney involvement,

<sup>1</sup> Some states' seat belt laws apply to front seat occupants only, while other laws apply to all occupants in a vehicle. As of 2007, 19 states and the District of Columbia required all vehicle occupants 18 and older to use seat belts when riding in the rear seat. (Source: NHTSA's National Center for Statistics and Analysis, *Research Note*, April 2008, DOT HS 810 933, [www.nhtsa.dot.gov/.../staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2008/810933.pdf](http://www.nhtsa.dot.gov/.../staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2008/810933.pdf))

<sup>2</sup> "Safety Belt Use and the Switch to Primary Enforcement," University of Missouri – Columbia, *American Journal of Public Health*, November 2006

<sup>3</sup> "Reducing Traffic Fatalities in American States by Upgrading Seat Belt Use Laws to Primary Enforcement," *Journal of Public Analysis and Management*, June 2006

<sup>4</sup> "Seatbelts: Current Issues," Prevention Institute, October 2002, [www.preventioninstitute.org/traffic\\_seatbelt.html](http://www.preventioninstitute.org/traffic_seatbelt.html)

other new laws, etc.) that influence insurance costs. Seat belt enforcement – either primary or secondary – is only one factor affecting rates.

In light of state legislative considerations to enact a primary seat belt law, PCI has reviewed the changes in insurance rates in those states that upgraded from secondary enforcement to primary enforcement. This analysis does not attempt to isolate the impact of primary enforcement on rates, however.

Since the mid-1990s, 19 out of the 27 primary-law states amended their seat belt laws from one of secondary enforcement to primary enforcement. The following table sets forth changes in the average liability and collision premium combined before and after adoption of the upgraded law in 13 of these states.<sup>5</sup> The year the new law went into effect is not included in the comparison. The time period examined before and after adoption for most states is 4 years in length.<sup>6</sup>

<b>Changes in Average Liability and Collision Premium Before and After Seat Belt Enforcement Law was Upgraded</b>				
	<b>Effective Date of Primary Enforcement</b>	<b>Percent Change Before</b>	<b>Percent Change After</b>	<b>Time Period Reviewed</b>
Alabama	12/09/1999	15.4%	10.3%	4 years
California	01/01/1993	7.7%	-0.6%	4 years
Delaware	06/30/2003	6.3%	0.8%	2 years
District of Columbia	10/01/1997	11.2%	-3.8%	4 years
Georgia	07/01/1996	12.1%	1.4%	4 years
Illinois	07/03/2003	7.7%	-1.4%	2 years
Indiana	07/01/1998	10.8%	12.1%	4 years
Louisiana	09/01/1995	13.0%	-1.0%	4 years
Maryland	10/01/1997	4.9%	1.3%	4 years
Michigan	04/01/2000	-2.5%	34.4%	4 years
New Jersey	05/01/2000	-7.2%	19.7%	4 years
Oklahoma	11/01/1997	13.9%	8.1%	4 years
Washington	07/01/2002	6.3%	2.3%	3 years
<i>Source: PCI, based on information compiled by the Insurance Institute for Highway Safety and National Association of Insurance Commissioners</i>				

All of the above states, except Indiana, Michigan and New Jersey, saw a slowdown in the growth of their average liability and collision insurance premiums after their seat belt laws were upgraded. Some jurisdictions (California, D.C., Illinois and Louisiana) even saw a reduction in their premiums. Again, there are many reasons explaining rate trends, both before and after passage of the new laws. For example, in addition to a tougher seat belt law, California's premium decrease during the late 1990s was due to the end of the bad faith doctrine, aggressive fraud fighting, a prohibition of uninsured drivers from suing for pain and suffering, more vigorous enforcement of DUI laws, and various vehicle and highway safety improvements. On the other hand, claim severities and

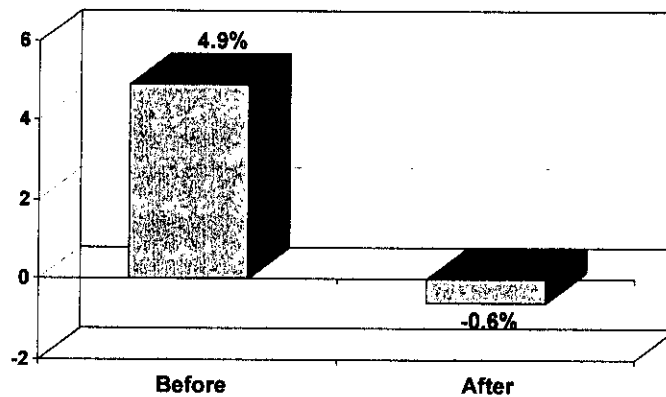
<sup>5</sup> Alaska, Kentucky, Maine, Mississippi, South Carolina and Tennessee are not included because their enforcement laws were upgraded recently, and no premium data are available to conduct a before-and-after analysis.

<sup>6</sup> The time periods reviewed for Delaware, Illinois and Washington are 2 or 3 years in length due to the lack of additional premium data after their primary enforcement laws went into effect.

insurance rates rose dramatically in Michigan and New Jersey due in part to accelerating medical care costs in the early 2000s.

The following chart portrays the average auto insurance premium changes before and after primary enforcement of seat belt laws went into effect for the group of 13 states shown in the preceding table. In spite of larger increases shown for three states after laws moved from secondary to primary enforcement, the overall average premium for the entire group fell by 0.6 percent during the subsequent four-year period. This decline is a positive outcome relative to the 4.9 percent increase in the overall premium change occurring in the four-year period prior to the upgrades.

**The Average Auto Insurance Premium Declined  
After an Upgrade to the Primary Seat Belt Law  
Was Adopted in 13 States**



Notes: Average premium reflects liability and collision coverages.  
"Before" and "After" periods are primarily four years in length.  
Seat belt law enforcement is only one factor affecting rate trends.

In conclusion, a tougher seat belt law is only one factor that affects auto insurance rates. The size of rate increases or decreases is influenced by many different cost drivers, and it is the aggregated impact of all drivers that determines the loss cost. Although the scope of this exercise was not to determine the effect of seat belt laws alone, costs associated with motor vehicle crashes have been found to be lower if seatbelts are worn. As demonstrated by the statistics found in this exercise, it can be said that primary enforcement of seat belt laws plays a part in lowering insurance costs. These lower costs in turn result in lower insurance rate increases and even rate decreases.

*The Property Casualty Insurers Association of America (PCI) is a trade association consisting of more than 1,000 insurers of all sizes and types, and representing 40.1 percent of the property casualty business and 52.9 percent of the personal auto market in the nation.*

**Testimony – House Bill 1197  
House Transportation Committee  
January 30, 2009  
Fort Totten Room**

Mr. Chairman and members of the House Transportation Committee, my name is Mike Gerhart, Safety and Education Officer for the North Dakota Highway Patrol. My testimony is on behalf of the North Dakota Highway Patrol in support of House Bill 1197.

The North Dakota Highway Patrol strongly supports the use of safety restraints by all vehicle occupants. This is evident through the many hours troopers spend on educational efforts encouraging people to buckle up as well as our enforcement activities related to the current seatbelt law. If the Legislature enacts a primary enforcement law, the Patrol would enforce the enacted law and continue our strong education efforts striving for voluntary compliance.

Troopers recognize firsthand the injury prevention and lifesaving potential of safety restraint use as well as the tragic and often potentially fatal consequences of not buckling up. I would like to take a moment of your time and read a portion of a few fatal traffic investigation reports written by our troopers.

1. Driver of a passenger vehicle (victim) was eastbound on I-94 from LaMoure to her place of employment when the vehicle skidded on the icy roadway. The vehicle ran off the right side of the roadway into the ditch area where it rolled. The driver was ejected from the vehicle prior to final rest. A passenger in the vehicle stayed in his child restraint seat until the vehicle came to rest at which time he got out. He sustained minor injuries.

2. Vehicle was westbound on County Road 4 at the Wild Rice River crossing. The vehicle was traveling too fast, left the roadway and entered the south ditch. The vehicle vaulted over the Wild Rice River and landed on the east bank and then vaulted over the embankment. The vehicle began to roll. The driver was ejected and pronounced dead at the scene.

3. Vehicle was eastbound on a gravel township road. The passenger side tires went off the roadway into the south ditch. The driver overcorrected and the vehicle entered the north ditch and rolled several times. The passenger was ejected from the vehicle and was pronounced dead at the hospital. The driver was seat belted and remained in the vehicle and sustained minor injuries.

These are only three examples of many such crashes that ended in the tragic and senseless death of an unrestrained victim. Yes, it is true not everyone who is restrained survives a crash. However, being securely fastened in a seatbelt and remaining inside a vehicle during a crash may be your best defense against being seriously injured or killed. The deadly statistics on one vehicle rollover crashes occurring in North Dakota in 2008

2 1'

speaking for themselves. There were 38 fatal rollover crashes resulting in 40 fatality victims. Of the 40 victims, 36 were not buckled up and 32 were ejected.

The North Dakota Highway Patrol is focused on traffic safety. In the past six years, more than 100 lives have been lost each year on North Dakota's roadways. Many of these tragedies could have been prevented if seatbelts were worn. We are in strong support of this legislation because it would save lives and significantly improve traffic safety in our state.

This concludes my testimony. Mr. Chairman, I would be happy to answer any questions you or the committee members may have.

**Testimony**  
**House Bill 1197**  
**House Transportation Committee**  
**Friday, January 30, 2009; 9 a.m.**  
**North Dakota Department of Health**

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Diana Read, and I am the coordinator of the North Dakota Department of Health's Injury Prevention Program. I am here to testify in support of House Bill 1197.

The mission of the Injury Prevention Program is to review causes of injury and to develop programs to reduce the number and severity of injuries to the citizens of North Dakota. According to the department's Division of Vital Records, unintentional injuries – including motor vehicle accidents – are the leading cause of death for North Dakota residents ages 1 through 44 and are second only to cancer for ages 1 through 54.

In 2007, 79 North Dakotans younger than 54 died as a result of motor vehicle accidents. Of those, 58 were not wearing seat belts.

According to a yearly seat belt survey conducted by the North Dakota Department of Transportation, about 82 percent of North Dakotans regularly wear their seat belts; however, the 18 percent who do not wear seat belts account for a startling 68 percent of the deaths in motor vehicle crashes.

The number one and simplest way to prevent injury and death in crashes is to wear a seat belt. Standard, primary enforcement of the seat belt law would encourage part-time users or nonusers to buckle up. This law may be the one thing that will save their lives.

The North Dakota Department of Health, along with many other health and traffic safety agencies, encourages all North Dakotans to buckle their safety belts. Health education efforts are most effective when combined with strong laws – similar to laws regulating speed limits, driving under the influence and childhood immunizations. House Bill 1197 will help reduce the number of North Dakotans killed on our roadways.

The Department of Health would appreciate your favorable response to House Bill 1197. I am happy to answer any questions you may have.

**TESTIMONY  
HOUSE BILL 1197  
TRANSPORTATION COMMITTEE  
JANUARY 30, 2009**

Mr. Chairman and members of the House Transportation Committee my name is Tom Balzer, managing director of the North Dakota Motor Carriers Association. I am here this morning to testify in support of House Bill 1197.

For every crash, there is the potential for three different points of impact. The first is the force caused by your vehicle colliding with another object. Second, the occupant's body collides with the interior of the vehicle. Finally, within the occupant's body, organs collide against your skeleton. A seat belt secures the occupant so its body doesn't continue to move forward and backward after the car has stopped. A seat belt also spreads the impact over the larger, stronger parts of the body such as the pelvis and shoulders, rather than the upper midsection of the body.

According to the Federal Motor Carrier Safety Administration around three quarters of all truck-involved fatalities are unintentionally initiated by car drivers and 35 percent of all truck-involved highway fatalities occur in a truck's blind spots.

For us this makes since economically, unbelted crash victims have medical bills 50 percent higher than belted crash victims. Unbelted drivers are more severely injured in accidents and as a result cost more in medical cost and litigation costs.

A strong connection exists between primary enforcement laws and a reduction in fatalities. Primary enforcement states showed nearly double the reduction in fatalities compared to secondary states. Furthermore, an upgrade to primary enforcement was associated with a 5.1 percent decline in fatalities for drivers and a 4.7 percent decrease in all vehicle occupant fatalities.

You may hear stories today about people who burned or drowned as a result of wearing a seatbelt. These events although tragic are not that common, less than one percent of crashes cause a car to start on fire or be submerged in water.

People are more likely to wear their seatbelt when there is primary enforcement.

The Highway Patrol tracks fatal accidents on the front page of their website, to date in 2009 there have been 4 fatalities on North Dakota roads. All four were not wearing their seatbelt.

We would ask for a DO PASS recommendation for House Bill 1197. Mr. Chairman this concludes my testimony, I would be happy to answer any questions.



**January 30, 2009 testimony to  
THE HOUSE TRANSPORTATION COMMITTEE REGARDING  
HOUSE BILL 1197**

**By Keith Berndt, PE, Cass County Engineer**

Good Morning Chairman Ruby and committee members. I'm Keith Berndt, the County Engineer from Cass County. I serve on the Legislative Committee with the North Dakota Association of County Engineers. The Association voted unanimously yesterday at its annual business meeting to support HB 1197 and authorize me to testify on the Association's behalf in support of this bill.

Every fatal crash is disturbing to me. It's especially troublesome to me when it occurs on a County Highway that I'm accountable for. I review the fatal crashes on our County's highways hoping to find engineering answers to safer highways. The crash facts make a number of things clear. I believe we need to continuously strive to for engineering solutions to make our highways safer. I also believe nothing I can practically design into our highways would be as effective at preventing deaths as would be higher seat belt usage.

- In 2007, 82% of people wore seat belts in ND
- 74% of people killed in crashes in ND in 2007 were not wearing their seat belts
- In other words, the 18% of the people that are not wearing seat belts result in 74% of the fatalities.

The emotional, social, and financial costs of highway deaths are too high to not do everything possible to make our highways as safer.

For these reasons, we strongly support a do pass recommendation of HB 1197.

Attach #7

**Testimony from General Motors in Support of House Bill 1197**

Chairman Ruby and members of the House Transportation Committee, my name is Thomas D. Kelsch, with the Kelsch Law Firm. This morning I'm testifying on behalf of General Motors in support of House Bill 1197.

General Motors supports the increase in seat belt use and the improvement in safety for the driving public that it represents. General Motors supports North Dakota enacting a primary enforcement seat belt use law which will give law enforcement another tool to help save lives.

Primary enforcement seat belt use laws increase seat belt use. The increase of seat belt use saves lives.

General Motors has been a long-time supporter of effective means of increasing belt use, by supporting state legislation as well as support of high-visibility enforcement programs like "Click It or Ticket".

On behalf of General Motors I encourage a "Do Pass" recommendation on HB 1197.

**TESTIMONY BEFORE THE  
HOUSE TRANSPORTATION COMMITTEE**

January 30, 2009

House Bill No. 1197

Testimony-Presented by:

Terry Weaver - North Dakota Safety Council

Mr. Chairman and members of the House Transportation Committee, my name is Terry Weaver and I am the Traffic Safety Coordinator of the North Dakota Safety Council and I'm here to testify in favor of HB 1197.

Traffic crashes are the leading cause of injury and death for North Dakotans. In the past ten years, an average of 77 percent of those who died in crashes on North Dakota roadways were not wearing a seat belt. This establishes that motor vehicle fatalities are occurring to a very large degree among non-users of seat belts. Less than one percent of crashes cause a car to start on fire or be submerged in water. Unbelted victims have medical bills 50 percent higher than belted crash victims.

An article published in the American Journal of Public Health stated that "Seatbelts saves lives, and stronger seatbelt laws increase seatbelt use". The study showed that seatbelt use increased when states upgraded to primary enforcement laws, and this means that upgrading can save lives.

In summary Mr. Chairman, the North Dakota Safety Council would encourage you to recommend a "pass" for HB1197. Thank you and I will gladly answer any questions you may have.

Attachment 8b



[Home / News Releases / 2007](#)

## 'Upgrading' from Secondary to Primary Seatbelt Laws Would Save Lives, Researchers Find

May 7, 2007

Story Contact: Katherine Kosiuk, 573-882-3346 [KosiukK@missouri.edu](mailto:KosiukK@missouri.edu)

COLUMBIA, Mo. — Vehicle crashes claim approximately 42,000 lives each year, according to statistics from the U.S. Department of Transportation. Recently, Missouri and other states have been considering a law that would encourage seatbelt use. Research conducted by a University of Missouri-Columbia professor sheds new light on the importance of seatbelts and laws that encourage their use.

Lilliard Richardson, associate professor in MU's Truman School of Public Affairs, and David J. Houston, associate professor at the University of Tennessee, Knoxville, conducted two studies of primary seatbelt enforcement, and both demonstrate the effectiveness of such laws in saving lives. Primary enforcement laws allow law enforcement officers to pull over drivers and ticket them if they are not wearing their seatbelts. Secondary enforcement laws, on the other hand, only allow an officer to pull over drivers for a separate violation (speeding, headlight out, etc.) and then ticket them if they are not wearing their seatbelts. Twenty-four states have primary enforcement laws, whereas others, including Missouri, only have secondary enforcement laws. New Hampshire has no seatbelt law. A bill to change enforcement from secondary to primary recently passed in the Missouri House and Senate.

In the study "Safety Belt Use and the Switch to Primary Enforcement," Richardson and Houston developed statistical models of observed seatbelt use in 47 states and the District of Columbia from 1991 to 2003. They found that states could increase belt use by 10 percent and improve public safety considerably by upgrading to primary enforcement.

"Seatbelts save lives, and stronger seatbelt laws increase seatbelt use," Richardson said. "Many studies have examined the effects of primary and secondary enforcement laws, but our study is one of only a few to look at the gains that can be made by upgrading from a secondary to a primary law. Our results show that seatbelt use increased when states upgraded to primary enforcement laws, and this means that upgrading can save lives."

Thirteen of the 47 states studied changed their laws from secondary to primary between 1991 and 2003. Richardson and Houston found that seatbelt use in all of the states studied increased during the 13-year study, but states with primary enforcement laws consistently had the highest use of seatbelts, and states with only secondary enforcement laws had the lowest usage rates. States that started the study with secondary enforcement laws and then upgraded to primary enforcement laws experienced the greatest average increase in belt use. States that had primary enforcement laws throughout the study saw seatbelt use increase from 68.4 to 86.1 percent, whereas states that upgraded saw an increase from 55.5 to 82.7 percent.

Another study done by Richardson and Houston, "Reducing Traffic Fatalities in American States by Upgrading Seat Belt Use Laws to Primary Enforcement," showed a strong link not just between primary enforcement laws and seatbelt use, but between primary enforcement laws and a reduction in fatalities. The study found that fatality rates in states with secondary enforcement laws remained stable between 1990 and 2002, whereas fatality rates in states with primary enforcement laws continued to steadily decline. Even with statistical controls for demographic changes in the states over time, primary enforcement states showed nearly double the reduction in fatalities compared to secondary states. Further, an upgrade to primary enforcement was associated with a 5.1 percent decline in fatalities for drivers and a 4.7 percent decrease in all vehicle occupant fatalities. The study estimated that the ten states and District of Columbia that upgraded from secondary to primary enforcement laws saved 3,553 lives between 1993 and 2002.

"Safety Belt Use and the Switch to Primary Enforcement" was published in the *American Journal of Public Health* in November 2006, and "Reducing Traffic Fatalities in the American states by Upgrading Seatbelt Use Laws to Primary Enforcement" was published in the *Journal of Public Analysis and Management* in June 2006.

Published by the MU News Bureau, 329 Jesse Hall, Columbia, MO 65211 | Phone: 573-882-6211 | Fax: 573-882-5489 | E-mail: [news@missouri.edu](mailto:news@missouri.edu)  
Copyright © 2009 — Curators of the University of Missouri. All rights reserved. OMCA and other copyright information. An equal opportunity/ADA institution.

# Attachment 8C

## **Seat Belt Use Report: Press Release Facts 8/08**

- The 2008 North Dakota Seat Belt Survey shows that 81.6 percent of North Dakotans are buckling up, down just slightly from the all time high in 2007 of 82.2 percent.
- There has been a 20 percent increase in seat belt use since 2004.
- Who isn't wearing a seat belt? We know that young adults and teens often fail to buckle up; men are less likely than women to wear their seat belt. When considering vehicle type, pickup drivers and passengers are more likely to go without a seat belt.
- For every crash, there is the potential for three different points of impact. The first is the force caused by your vehicle colliding with another object. Second, the occupant's body collides with the interior of the vehicle. Finally, within the occupant's body, organs collide against your skeleton. A seat belt secures the occupant so its body doesn't continue to move forward and backward after the car has stopped. A seat belt also spreads the impact over the larger, stronger parts of the body such as the pelvis and shoulders, rather than the upper midsection of the body.
- The 2008 North Dakota Seat Belt Survey was conducted by DLN Consulting, Inc. of Dickinson, ND. In June of 2008, surveys were conducted on roads in 16 counties by observers looking for seat belt use in the front seat of vehicles.

# Attachment 8d

## North Dakota Standard Seat Belt Law

### What are the Benefits of a Standard Seat Belt Law?

1. **It is a tool for law enforcement to improve safety on the roadways.** Law enforcement professionals will be able to pull over a driver who is not wearing a seat belt, and this often leads to them discovering other issues such as driving under the influence or an unregistered vehicle.
2. **More North Dakotans will buckle up.** It is predicted that a standard seat belt law will increase the number of North Dakotans who buckle up by seven percent increasing from 82 percent to 89 percent. This translates into six lives saved and 50 serious injuries prevented.
3. **North Dakotans will save money.** The cost to each citizen is \$615 per person annually because people don't buckle up. This totals \$395 million in wage and productivity loss, medical expenses, property damages, legal fees, and insurance costs. Just over \$292 million of these costs are paid by North Dakotans not involved in the crashes.
4. **There is no additional cost** to enforce a Standard Seat Belt Law while it provides great benefits.

**Seat Belts Save Lives! Seat Belts Save Money!**

### What will change if we pass a Standard Seat Belt Law in North Dakota?

A standard seat belt law will mean that any driver in the state can be pulled over if he or she is not wearing a seat belt. Currently, only drivers under the age of 18 can be pulled over for not wearing a seat belt. Under North Dakota law, drivers over the age of 18 are mandated to wear a seat belt, but can only be cited if pulled over for another reason. It is the only traffic safety law in the state with the distinction of a secondary law.

### Seat Belt Facts

- Traffic crashes are the leading cause of injury and death for North Dakotans.
- In the past ten years, an average of 77 percent of those who died in crashes on North Dakota roadways were not wearing a seat belt.
- Unbelted crash victims have medical bills 50 percent higher than belted crash victims.

# Attachment 8e

## Seat Belt Fact Sheet : January 2009

- For every crash, there are three potential points of impact. The first is the force of the vehicle colliding with another object. Second, the occupant's body collides with the interior of the vehicle. Finally, within the occupant's body, organs collide against the skeleton. A seat belt serves to secure the occupant so his body does not continue to move within the vehicle after the car has stopped. The seat belt spreads the impact over the larger, stronger parts of the body such as the pelvis and shoulders, rather than the weaker, upper midsection of the body.

There are several other benefits to a standard seat belt law.

1. **It is a tool for law enforcement to improve safety on the roadways.** Law enforcement professionals will be able to pull over a driver who is not wearing a seat belt, and this often leads to them discovering other issues such as driving under the influence or an unregistered vehicle.
2. **More North Dakotans will buckle up.** It is estimated that a standard seat belt law will increase the number of North Dakotans who buckle up by seven percent, increasing seat belt use in North Dakota from 82 percent to 89 percent. This translates into six lives saved and 50 serious injuries prevented every year.
3. **North Dakotans will save money.** The cost to each citizen is \$615 per person annually because people don't buckle up. This totals \$395 million in wage and productivity loss, medical expenses, property damages, legal fees, and insurance costs. Just over \$292 million of these costs are paid by North Dakotans not involved in the crashes.
4. **There is no additional cost** to enforce a standard seat belt law but it provides great benefits.

This information establishes that seat belts save lives and seat belts save money.

### Seat Belt Facts

There are typically two groups of people who do not use seat belts. They are:

- **Those who have not acquired the habit of buckling up on all trips.** People in this group use belts in certain situations such as when the weather is poor or when they are taking longer trips on high speed roads where they perceive driving is riskier. The primary reasons they list for not buckling up include forgetting, being in a hurry, or discomfort from the belt.
- **Hard-core nonusers.** This smaller group reports negative attitudes as their primary reason for nonuse. Their reasons include discomfort, unfounded claims that they are dangerous in a crash, infringement of personal freedom, resentment of authority, and the attitude that "they just don't feel like wearing them."



## Attachment 8e(cont.)

The data related to non-use of seat belts and motor vehicle fatalities is clearly contradictory to the mindsets of non-users.

- Traffic crashes are the leading cause of injury and death for North Dakotans.
- In the past ten years, an average of 77 percent of those who died in crashes on North Dakota roadways were not wearing a seat belt. ***This establishes that motor vehicle fatalities are occurring to a very large degree among non-users of seat belts.***
- Being thrown from a vehicle increases your chance of being killed by 25 times. Of the 111 North Dakotans killed in 2007, 69 (62%) were totally or partially ejected from their vehicle.
- Less than one percent of crashes cause a car to start on fire or be submerged in water.
- Unbelted crash victims have medical bills 50 percent higher than belted crash victims.

**TRENDS IN PERSONAL AUTO INSURANCE PREMIUMS  
AND PRIMARY SEAT BELT LAW ENACTMENT**

At the present time, all states except New Hampshire have a law that requires drivers and their passengers<sup>1</sup> to wear seat belts in an automobile. Twenty-seven (27) states have a primary seat-belt law that allows law enforcement officers to stop motorists and ticket them if they are not wearing their seatbelts. The remaining 24 states have secondary enforcement laws whereby officers can cite motorists for not buckling up only if they have been stopped for a separate violation (e.g., speeding, DUI, lack of headlights, etc.).

Previous studies demonstrate the benefits of seat belt usage and the benefits of upgrading from a secondary law to a primary law, or having a primary law to begin with. Findings from several of these studies include the following:

- States could increase seat belt usage by 10 percent and improve public safety considerably by upgrading to primary enforcement.<sup>2</sup> Specifically, states that went from a secondary to a primary enforcement law had an increase of 27.2 points in seatbelt usage (from 55.5% to 82.7%) during the period studied; on the other hand, states that had primary enforcement throughout the analysis had an increase of 17.7 points (from 68.4% to 86.1%).
- A strong connection exists between primary enforcement laws and a reduction in fatalities. Primary enforcement states showed nearly double the reduction in fatalities compared to secondary states. Furthermore, an upgrade to primary enforcement was associated with a 5.1 percent decline in fatalities for drivers and a 4.7 percent decrease in all vehicle occupant fatalities.<sup>3</sup>
- According to traffic safety researchers and the National Highway Traffic Safety Administration (NHTSA), seatbelts reduce a person's chances of dying in a crash by 45 percent and being injured by 50 percent. Because seatbelts lessen the severity of injury during a crash, the average inpatient charge for an unbelted driver is over 60 percent greater than the charge for a belted driver.<sup>4</sup>

Although many different studies have been conducted on seatbelt laws (particularly primary enforcement) and its impact on injuries and fatalities, the impact of primary enforcement on auto insurance rates typically has not been studied. The lack of an analysis is due to the many other factors (e.g., costs of medical care and body shop repair, claiming behavior, attorney involvement,

<sup>1</sup> Some states' seat belt laws apply to front seat occupants only, while other laws apply to all occupants in a vehicle. As of 2007, 19 states and the District of Columbia required all vehicle occupants 18 and older to use seat belts when riding in the rear seat. (Source: NHTSA's National Center for Statistics and Analysis, *Research Note*, April 2008, DOT HS 810 933, [www.nhtsa.dot.gov/.../staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2008/810933.pdf](http://www.nhtsa.dot.gov/.../staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2008/810933.pdf))

<sup>2</sup> "Safety Belt Use and the Switch to Primary Enforcement," University of Missouri – Columbia, *American Journal of Public Health*, November 2006

<sup>3</sup> "Reducing Traffic Fatalities in American States by Upgrading Seat Belt Use Laws to Primary Enforcement," *Journal of Public Analysis and Management*, June 2006

<sup>4</sup> "Seatbelts: Current Issues," Prevention Institute, October 2002, [www.preventioninstitute.org/traffic\\_seatbelt.html](http://www.preventioninstitute.org/traffic_seatbelt.html)

other new laws, etc.) that influence insurance costs. Seat belt enforcement – either primary or secondary – is only one factor affecting rates.

In light of state legislative considerations to enact a primary seat belt law, PCI has reviewed the changes in insurance rates in those states that upgraded from secondary enforcement to primary enforcement. This analysis does not attempt to isolate the impact of primary enforcement on rates, however.

Since the mid-1990s, 19 out of the 27 primary-law states amended their seat belt laws from one of secondary enforcement to primary enforcement. The following table sets forth changes in the average liability and collision premium combined before and after adoption of the upgraded law in 13 of these states.<sup>5</sup> The year the new law went into effect is not included in the comparison. The time period examined before and after adoption for most states is 4 years in length.<sup>6</sup>

<b>Changes in Average Liability and Collision Premium Before and After Seat Belt Enforcement Law was Upgraded</b>				
	Effective Date of Primary Enforcement	Percent Change Before	Percent Change After	Time Period Reviewed
Alabama	12/09/1999	15.4%	10.3%	4 years
California	01/01/1993	7.7%	-0.6%	4 years
Delaware	06/30/2003	6.3%	0.8%	2 years
District of Columbia	10/01/1997	11.2%	-3.8%	4 years
Georgia	07/01/1996	12.1%	1.4%	4 years
Illinois	07/03/2003	7.7%	-1.4%	2 years
Indiana	07/01/1998	10.8%	12.1%	4 years
Louisiana	09/01/1995	13.0%	-1.0%	4 years
Maryland	10/01/1997	4.9%	1.3%	4 years
Michigan	04/01/2000	-2.5%	34.4%	4 years
New Jersey	05/01/2000	-7.2%	19.7%	4 years
Oklahoma	11/01/1997	13.9%	8.1%	4 years
Washington	07/01/2002	6.3%	2.3%	3 years
Source: PCI, based on information compiled by the Insurance Institute for Highway Safety and National Association of Insurance Commissioners				

All of the above states, except Indiana, Michigan and New Jersey, saw a slowdown in the growth of their average liability and collision insurance premiums after their seat belt laws were upgraded. Some jurisdictions (California, D.C., Illinois and Louisiana) even saw a reduction in their premiums. Again, there are many reasons explaining rate trends, both before and after passage of the new laws. For example, in addition to a tougher seat belt law, California's premium decrease during the late 1990s was due to the end of the bad faith doctrine, aggressive fraud fighting, a prohibition of uninsured drivers from suing for pain and suffering, more vigorous enforcement of DUI laws, and various vehicle and highway safety improvements. On the other hand, claim severities and

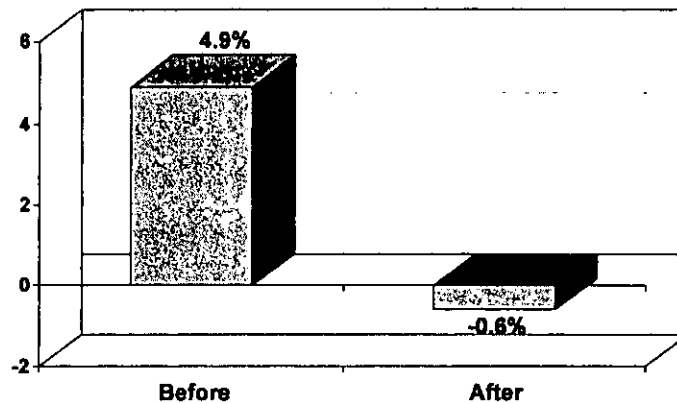
<sup>5</sup> Alaska, Kentucky, Maine, Mississippi, South Carolina and Tennessee are not included because their enforcement laws were upgraded recently, and no premium data are available to conduct a before-and-after analysis.

<sup>6</sup> The time periods reviewed for Delaware, Illinois and Washington are 2 or 3 years in length due to the lack of additional premium data after their primary enforcement laws went into effect.

insurance rates rose dramatically in Michigan and New Jersey due in part to accelerating medical care costs in the early 2000s.

The following chart portrays the average auto insurance premium changes before and after primary enforcement of seat belt laws went into effect for the group of 13 states shown in the preceding table. In spite of larger increases shown for three states after laws moved from secondary to primary enforcement, the overall average premium for the entire group fell by 0.6 percent during the subsequent four-year period. This decline is a positive outcome relative to the 4.9 percent increase in the overall premium change occurring in the four-year period prior to the upgrades.

**The Average Auto Insurance Premium Declined  
After an Upgrade to the Primary Seat Belt Law  
Was Adopted in 13 States**

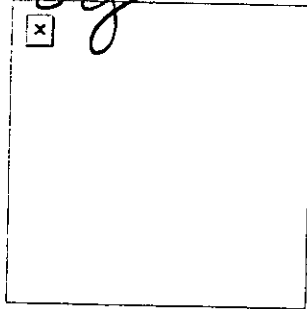


Notes: Average premium reflects liability and collision coverages.  
"Before" and "After" periods are primarily four years in length.  
Seat belt law enforcement is only one factor affecting rate trends.

In conclusion, a tougher seat belt law is only one factor that affects auto insurance rates. The size of rate increases or decreases is influenced by many different cost drivers, and it is the aggregated impact of all drivers that determines the loss cost. Although the scope of this exercise was not to determine the effect of seat belt laws alone, costs associated with motor vehicle crashes have been found to be lower if seatbelts are worn. As demonstrated by the statistics found in this exercise, it can be said that primary enforcement of seat belt laws plays a part in lowering insurance costs. These lower costs in turn result in lower insurance rate increases and even rate decreases.

*The Property Casualty Insurers Association of America (PCI) is a trade association consisting of more than 1,000 insurers of all sizes and types, and representing 40.1 percent of the property casualty business and 52.9 percent of the personal auto market in the nation.*

Attachment 8g



Legislation

## Primary Seat Belt Laws Save Kids New Messages That Can Redefine the Debate

Primary enforcement seat belt laws allow police to stop and ticket a driver for not wearing a seat belt, just like any other routine traffic violation. Eighteen states and the District of Columbia have enacted these laws. The remaining 31 states have secondary laws that allow law enforcement to ticket a driver for not belting up only after the person has been stopped, or ticketed, for another violation, and one state does not have any seat belt law.

States with primary laws have seat belt use that is consistently 10 to 15 percentage points higher than secondary law states. States that actively enforce their laws have achieved additional seat belt use increases in the range of 10 to 15 percentage points. These laws work and their effectiveness is easily measured.

Focus group research (including groups with legislators and other opinion leaders) in five U.S. cities shows that the seat belt debate is calcified. The debate revolves around old, familiar arguments that people think they have already heard. Many of these arguments work against passing primary enforcement seat belt laws. And the issue has no urgency. Absent new information, opinion leaders and legislators come to the debate with their minds largely made up.

Research shows the most powerful arguments we have are new and are not widely known or understood. Most important is the fact that adults who don't buckle up are far less likely to buckle kids. Also important, for example in the African American and Hispanic communities, are the facts that crashes are the leading killer of all children including African American and Hispanic children. Car crashes are the second leading killer of African American young men, and support for primary enforcement is higher among African Americans than the population as a whole.

As we have seen in other states - notably Indiana - these and other messages have the power to reinvigorate the debate, generate positive editorial and news coverage, and help produce greater support for action. Before state legislatures begin to debate whether to upgrade seat belt laws in their states, it is important we present legislators and opinion leaders this new information.

**Adults who don't buckle up don't buckle up kids. We won't get kids buckled until we get everyone buckled.**

Every state has primary enforcement seat belt laws covering children, but still six out of every ten children killed in crashes are unbelted. The evidence is clear...if we are going to protect children in cars we must get adults buckled up. That's right, adults. Research shows that the most effective way to get

adults to wear belts is to pass primary enforcement seat belt laws. And getting adults buckled up truly does get kids buckled up.

- Crashes are the leading killer of children ages 0 to 14.
- A University of California, Irvine study report in the journal Pediatrics found "driver restraint use was the strongest predictor of child restraint use," and "a restrained driver was three times more likely to restrain a child."
- A study conducted by the Ford Motor Company found that when a driver is buckled children riding with them are buckled 94 percent of the time. When drivers are unbuckled, child restraint use plummets to 30 percent.
- After Louisiana passed a primary law, child restraint use rose from 45-82 percent even though the law covering children remained the same.
- The Congressional Black Caucus said increasing belt use among African Americans is an "urgent national health priority."

### **Primary laws benefit African Americans**

Primary seat belt laws get broad support from African American voters. Primary seat belt laws can effectively fight the leading killer of African American kids-car crashes. They must include strong protections against potential harassment and be coupled with a coordinated education effort to alert minority communities to the law and its provisions.

- Motor vehicle crashes are the leading killer of African American children, 0 to 14. Crashes are the second leading killer of African American young men 15 to 24 surpassed only by homicides.
- According to a study conducted by the National Black Caucus of State Legislators and the Air Bag & Seat Belt Safety Campaign, African Americans who live in the states with a primary seat belt law overwhelmingly favor the law by more than a 3-to-1 margin. Less than one-half of one percent of African Americans report race-related harassment problems as a result of their state's seat belt law.
- The National Black Caucus of State Legislators, National Urban League and the Children's Defense Fund support strong laws that increase seat belt use and include safeguards for uniform enforcement.
- There have been no reported incidents of harassment as a result of primary seat belt laws in the 14 states that have enacted them.
- According to the CDC and NHTSA, African Americans report belt use about 10 percent lower than the rest of the population.
- A study conducted by Johns Hopkins University and the Insurance Institute for Highway Safety found African American male teenagers are nearly twice as likely to die in a motor vehicle crash as male teens who are white. The risk to black children ages five to 12 dying in a crash are almost three times as great as that of white children.

Attach. 8 g (cont.)

- An eight-year study by the American Journal of Public Health offers dramatic evidence of the power of primary enforcement laws to save lives in the African American community. Even among the very hard-to-move group of 18-29 year old African American men, belt use is higher in states with primary laws -- 58 percent versus 46 percent in states with secondary laws.
- A July 1997 survey of 1,000 Americans shows that support for primary seat belt laws among African Americans is extremely strong and higher than support among the population as a whole - 69 percent of African Americans support primary laws versus 61 percent of the population as a whole.
- Support for primary laws among African Americans runs deep - 60 percent say they strongly favor such laws. By a four-to-one margin, African Americans say they are more likely to vote for an elected official who supports primary seat belt laws.

### **Primary laws benefit Hispanics**

- Motor vehicle crashes are the leading killer of Hispanic children, ages 0 to 14.
- A study conducted by Johns Hopkins University and the Insurance Institute for Highway Safety found Hispanic male teenagers are nearly twice as likely to die in a motor vehicle crash as other male teens.
- Hispanic children, ages five to 12, chances of dying in a crash are twice as great as that of other children.

### **Other compelling reasons to support primary seat belt laws**

- We all pay higher health care and insurance costs because of unbelted drivers and passengers. For example, on average, inpatient hospital care costs for an unbelted crash victim are 50 percent higher than those for a crash victim who was wearing seat belt. And society picks up 85 percent of those costs, not the individuals involved in the crash.
- Failure to buckle up contributes to more fatalities than any other single traffic safety-related behavior.
- Everyone would agree that protecting lives with seat belts is at least as important as a broken tail light or littering. Yet, while virtually every state has primary laws that allow enforcement officers to stop and ticket a violator for having a broken tail light or for tossing trash out the window, not all states have primary laws for seat belt use.
- If every state adopted a primary seat belt law, we would save 1,900 lives, prevent 49,000 injuries and save Americans \$3 billion in health care, taxes and insurance costs in just the first year alone.

For more information, contact the Air Bag & Seat Belt Safety Campaign, National Safety Council, 1025 Conn. Ave., NW, Suite 1200, Washington, DC 20036; (202) 625-2570 (tel.); (202) 822-1399 (fax); E-mail: [airbag@nsc.org](mailto:airbag@nsc.org).

**[Menu](#) | [Campaign News](#) | [Get Involved](#) | [Public Education](#) | [Enforcement](#) | [On-Off Switches](#)**

Attachment 8h

## Operation ABC Mobilization

### Encouraging Trends in Strengthening Safety Belt Laws

#### Strengthen Safety Belt Laws and Save Lives

As of May 2001, states with primary enforcement safety belt laws - which allow police to enforce on the same basis as other traffic violations - reported 79 percent safety belt usage. States with weaker secondary enforcement laws - which require that an officer first observe a motorist committing another traffic violation before ticketing for failure to use a belt - reported just 62 percent belt usage.

If every state in the nation adopted primary enforcement, we would save an additional 1,900 lives, prevent over 49,000 additional injuries and save an additional \$3 billion annually. On average, seat belt use in states with primary laws is about 10-15 percentage points higher than in states with weak secondary laws.

#### Adult Seat Belt Laws Protect Children

Research shows adult belt use has a dangerous impact on children. Specifically, a crash study in the journal Pediatrics found, "Driver restraint use was the strongest predictor of child restraint use. A restrained driver was three times more likely to restrain a child." Primary seat belt laws that cover adults, combined with high-visibility enforcement increase child restraint use and save lives. Weak belt laws that don't allow effective enforcement put kids at risk.

#### National Observational Research

When a driver is buckled, restraint use for children is 87%.  
When a driver is unbuckled, restraint use for children 24%.

#### Louisiana's Seat Belt Laws

After Louisiana passed a standard adult belt law, in 1995, child restraint use jumped from 45 percent to 82 percent in just two years - yet, the child passenger safety law didn't change. Clearly, the law covering adults was responsible for getting more kids buckled up.

#### Seat Belt Laws

As of May 2002, 18 states and the District of Columbia have primary safety belt laws. Thirty-one states have weak "secondary" enforcement seat belt laws.

States that originally enacted standard enforcement laws: Connecticut, Hawaii, Iowa, New Mexico, New York, North Carolina, Oregon, Texas

States that upgraded from secondary to standard enforcement: Alabama, California, Georgia, Indiana, Louisiana, Maryland, Michigan, Oklahoma, New Jersey, the District of Columbia and Washington.

Revised: 05/02



Attachment 8h (cont.)

For more information, contact the Air Bag & Seat Belt Safety Campaign,  
National Safety Council, 1025 Conn. Ave., NW, Suite 1200, Washington,  
DC 20036; (202) 625-2570 (tel.); (202) 822-1399 (fax); E-mail:  
[airbag@nsc.org](mailto:airbag@nsc.org).

**Main Menu** | **Media Center** | **Enforcement** | **Public Outreach** | **Legislation**

**National Safety Council**

*A Membership Organization Dedicated to Protecting Life and Promoting Health*

1121 Spring Lake Drive, Itasca, IL 60143-3201

Voice: (630) 285-1121; Fax: (630) 285-1315

**May 7, 2002**

HB 1197

Chair Ruby, Members of the House Transportation Committee

My name is Jan Schmid, and I'm representing the ND Emergency Nurses Association. The Emergency Nurses Association (ENA) is nearly 40 years old, and has more than 35,000 members, representing 32 countries around the world. Emergency personnel see and treat on a daily basis the terrible results of injuries from vehicle crashes, many of which are preventable. ENA and the Injury Prevention Institute of ENA are committed to reducing the number of preventable injuries through public education, professional training courses, and legislative advocacy.

The ***"2008 ENA National Scorecard on State Roadway Laws: A Blueprint for Injury Prevention"*** was released in November 2008. All evaluated data came from state and federal government sources and research journals as of October 20, 2008. The "Scorecard" includes 13 evidence-based prevention measures that can help prevent needless roadway-related deaths and injuries. It's a comparison of all 50 states and the District of Columbia. North Dakota scored only 4 out of a possible 13 points. There is only one state that ranks lower than ND.

1. Does the state have a primary enforcement seat belt law?
2. Does the state's primary enforcement seat belt law apply to all seating positions?
3. \*Does the state have a booster seat law?
4. Does the booster seat law cover children up to age 8 years?
5. \*Does the state have a child passenger safety law covering all children up to age 16 years in all seating positions?
6. \*Does the state have a graduated driver licensing (GDL) law with a six-month holding period provision at the learner's stage?
7. Does the state have a GDL law with a provision requiring 30-50 hours of supervised driving at the learner's stage?
8. Does the state have a GDL law with a nighttime restriction provision at the intermediate stage?
9. Does the state have a GDL law limiting drivers in the intermediate stage from carrying more than one passenger under age 20 years?
10. Does the state have a universal motorcycle helmet law requiring all riders to wear a helmet?
11. Does the state's universal motorcycle helmet law require that all riders' helmets meet federal protection standards?
12. Does the state mandate installation of an ignition interlock device as a vehicle sanction to restrict or separate hard-core drinking drivers from their vehicles?
13. \*Does the state have enabling legislation that provides appropriate officials the authority to develop, maintain, and evaluate a state trauma system and its components?

\*North Dakota meets criteria

It's a well-known fact that seat belts save lives and reduce injuries. Properly fastened seat belts help keep you inside the vehicle. Unrestrained vehicle occupants are ejected 29% of the time. When totally ejected, 74% die. When vehicle occupants use seat belts, only 1% of the belted population is ejected.

When states upgrade from a secondary to a primary seat belt law, seat belt usage increases by 14%. When adults are buckled, 86% of children are buckled, but when adults are not buckled, only 50% of children are buckled.

The Emergency Nurses Association Injury Prevention Institute believes safety is a public health issue. ND ENA strongly supports HB 1197.

(To review complete ENA National Scorecard, go to the ENA website: <http://ena.org>, and click on Scorecard.)

Janet I. Schmid, RN  
1920 Catherine Drive  
Bismarck, ND 58501  
ND Emergency Nurses Association  
(W) 323-6506  
(W) jschmid@mohs.org  
(H) 255-2561

# Attachment 96



## State Rankings Data as of October 20, 2008

STATE	SCORE
OREGON	13
WASHINGTON	13
CALIFORNIA	11
DISTRICT OF COLUMBIA	11
MAINE	11
TENNESSEE	11
DELAWARE	10
GEORGIA	10
ILLINOIS	10
MARYLAND	10
MASSACHUSETTS	10
NEW JERSEY	10
NEW MEXICO	10
ALASKA	9
CONNECTICUT	9
KENTUCKY	9
MICHIGAN	9
MISSOURI	9
NEBRASKA	9
NEW YORK	9
NORTH CAROLINA	9
UTAH	9
VIRGINIA	9
WEST VIRGINIA	9
COLORADO	8
HAWAII	8
LOUISIANA	8
OKLAHOMA	8
PENNSYLVANIA	8
SOUTH CAROLINA	8
VERMONT	8
WISCONSIN	8
ARIZONA	7
INDIANA	7
KANSAS	7
NEVADA	7
TEXAS	7
ALABAMA	6
FLORIDA	6
IOWA	6
MISSISSIPPI	6
MONTANA	6
NEW HAMPSHIRE	6
RHODE ISLAND	6
WYOMING	6
IDAHO	5
MINNESOTA	5
OHIO	5
NORTH DAKOTA	4
SOUTH DAKOTA	4
ARKANSAS	3

### MEDIA CONTACTS

Anthony Phipps  
(847) 460-4054  
aphipps@ena.org

Gretchen Wright  
(202) 371-1999  
gretchen@prsolutionsdc.com

Attachment #10a

**Testimony in Support of HB 1197  
House Transportation Committee – Jan. 30, 2009  
Gene LaDoucer, AAA North Dakota**

Good morning, Mr. Chairman and members of the committee. Thank you for the opportunity to express support for House Bill 1197. My name is Gene LaDoucer, and I represent AAA North Dakota, the local motor club that serves 60,000 members across the state.

For more than 105 years, AAA has been a leader and advocate for the safety and security of all travelers and it's our position that it's time to stop thinking of traffic crashes as "normal" and traffic fatalities and severe injuries as "acceptable losses." In fact, there should be outrage that over the past 10 years we have lost the equivalent population of Walhalla or Cooperstown as a result of traffic crashes in North Dakota.

The loss of life on our roadways is both a traffic safety and public health concern. Every day about 120 people are killed in motor vehicle crashes; and in North Dakota, someone's father, mother, son, daughter or friend is tragically killed along a stretch of road an average of every 3 days. In 2007, 92 people died while riding in cars and light trucks in North Dakota. Of these, 68 percent died while not wearing their seat belts compared to 54 percent nationwide. The percentage of people who died in North Dakota last year while unbuckled was even higher – 72 percent.

Beyond the emotional tragedies and physical injury, the economic toll of traffic crashes is staggering. Traffic crashes cost North Dakota about \$290 million each year in medical expenses, lost productivity, property damage and related costs. That equates to nearly \$452 for every resident of the state -- about 74 percent of that cost is paid by citizens not involved in the crashes.

A no-cost way to reduce these numbers is to drop the secondary enforcement provision of the state's current seat belt law. Seat belts offer the single greatest defense against traffic crash fatalities; when used, seat belts reduce the risk of fatal injury to front-seat occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent. The benefits to light truck occupants -- a high-risk group in North Dakota -- are even greater. Data shows seat belts are 80 percent effective in reducing fatalities in light truck rollovers.

We know that when states pass standard safety belt laws, usage increases by an average of 11 to 14 percent. And when usage goes up, lives are saved. Hundreds of traffic rules are enforced in the same standard, primary way by police officers every day, from broken tail lights, to the use of turn signals, to expired registrations. Motorists do not have a choice whether to follow any of our traffic rules, except for safety belts. However, no traffic rule is more critical to public safety than enforcement and compliance with our current mandatory safety belt law. Through education, enforcement and legislation, we can increase safety belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone.

Again, Mr. Chairman, I appreciate the opportunity to express AAA's support for this important measure with the committee.

## STATE OF NORTH DAKOTA PRIMARY SEAT BELT LAW FACT SHEET

### COSTS:

- Traffic Crashes cost the Nation about \$230 billion each year in medical expense, lost productivity, property damage, and related costs.
  - North Dakota pays \$290 million of these costs.
  - That is \$452 for every resident of North Dakota, each year.
  - About 74 percent of that cost is paid by citizens not involved in the crashes.
- Crashes cost employers more than \$49 million annually in the State, about \$150 per employee.
- The Safety Belt Performance Grants in Section 2005 of SAFETEA-LU would entitle the State to about \$5.1 million if it enacts a new primary seat belt law.

### PRIMARY SEAT BELT LAWS:

- In States with primary seat belt laws, law enforcement officers may stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Officers in States with secondary enforcement seat belt laws may only write a citation after the officer stops the vehicle or cites the offender for another infraction.
- NHTSA estimates that if North Dakota were to pass a primary belt law, seat belt usage could increase by approximately 7 percentage points.
- With a primary law, North Dakota will save approximately 7 lives, 57 serious injuries, and \$15 million in costs each year. (Based on a 7.4 percentage point increase from the 2008 seat belt use rate.)

### USAGE DATA:

- 18.4 percent of North Dakota's population—over 117,000 people—is still not buckling up.
- An estimated 33 lives were saved by seat belts in North Dakota in 2007, and 18 additional lives could have been saved with 100 percent seat belt use.

### COMPARISON TO OTHER STATES:

	North Dakota	Michigan	Illinois
<b>Seat Belt Law</b>	Secondary	Primary	Primary
<b>2008 Observed Use Rate</b>	81.6%	97.2%	90.5%

### FATALITY DATA:

- In 2007, 92 people died while riding in cars and light trucks in North Dakota. Of these, 68 percent died while not wearing their seat belts compared to 54 percent nationwide. (2007 FARS Data)
- Over 96 percent (107/111) of the State's motor vehicle traffic fatalities occur in rural areas, and the fatality rate per 100 million vehicle miles traveled is over 11 times higher in rural North Dakota than in urban areas. (2006 FARS Data)
- In 2007, 77 percent of nighttime fatalities in North Dakota were unrestrained compared to 56 percent of daytime fatalities. (2007 FARS Data)

**HOUSE TRANSPORTATION COMMITTEE**  
**January 30, 2009 9:00 a.m. Ft. Totten Room**

**North Dakota Department of Transportation**  
**Linda Butts, Deputy Director for Driver Improvement Services and Vehicle Services, NDDOT**

**HB 1197**

---

Mr. Chairman, Members of the committee, my name is Linda Butts, Deputy Director Driver and Vehicle Services of the North Dakota Department of Transportation (NDDOT).

This bill provides for a primary seat belt law in the state of North Dakota for front passengers only. A primary seat belt law will mean that any driver in the state can be pulled over if he or she is not wearing a seat belt. Currently, only drivers under the age of 18 can be pulled over for not wearing a seat belt. Under North Dakota law, drivers over the age of 18 are mandated to wear a seat belt, but can only be cited if pulled over for another reason.

At NDDOT, we believe that numbers tell a story, and we know that wearing seat belts saves lives.

- In the past ten years, an average of 75 percent of those who died in crashes on North Dakota roadways were not wearing a seat belt. A great number of these deaths would have been prevented with one act – the act of buckling up.
- A study released in October 2008 by the Upper Great Plains Transportation Institute at NDSU asked 18-34 year old males, our highest at-risk driving group, what would cause them to buckle up. The most common response was having a child in the car, but their second response was law enforcement.

Based on these statistics, NDDOT supports this bill.

Mr. Chairman, I am happy to take your questions at this time.

TESTIMONY IN OPPOSITION TO HOUSE BILL 1197

JANUARY 30, 2009

Good morning Mr. Chairman and members of the House Transportation Committee.

I am Ralph Muecke from Gladstone ND and I am here to testify in opposition to House Bill 1197.

I will try to keep my cool which is not going to be easy considering the number of times I have had to come down here to do this because certain people don't seem to get the message. We have said NO time after time that this issue has been brought up. What part of the word NO don't some people understand? Be rest assured that as many times as this issue is brought up will be as many times as I will come down here to testify against it.

I am not necessarily in favor of seat belts, neither am I against them. But I am against a mandatory seat belt law and particularly this proposed law, HB 1197 which makes not wearing a seat belt a primary offense.

Please allow me to explain: During the referral campaign of the present law, I was the largest name getter in the whole state of ND. I approached a good sampling of people.

The thing that amazed me the most, which is mainly why I am here today here today, is that so many, many, many people that signed the referral for me had been in an accident and said that if they had worn their seat belt they wouldn't have been there to sign the referral for me. That was an eye opener for me. When that many people state that to you their has to be a lot of truth in it.

I mentioned this to one highway patrolman. His response was "they're lying". He wouldn't look me in the face when he said it. Why would somebody lie about something like that? Makes no sense.

As I stated before. I am not strongly for them, or strongly against them. It should be individual choice. I believe they have their place. I don't doubt that they do save lives. But at the same time I also believe that there are times when a person may be better off not wearing them. But we will never hear that from law enforcement.

For my part they are very uncomfortable. They cut me across the neck no matter how I adjust them. They restrict my ability to drive effectively, especially when I have to wear a coat or jacket. I have never been in an accident and hope that I never am. I won't tell someone to wear their seat belt, and I won't tell them not to. If they feel they should



wear one, by all means do it. If they choose not to wear one they shouldn't be made to. Let it be their choice.

If law enforcement does their job the way they should, they will have a great plenty to do without passage of this proposed law. Drivers are getting more careless and downright defiant all the time. It's getting worse instead of better. Some of these semi drivers act like they would just as soon kill a person.

So I respectfully ask that you give HB 1197 a do not pass recommendation, and leave the current seat belt law as it is.

Ralph Muecke  
3441, 100<sup>th</sup> Ave. SW  
Gladstone, ND 58630  
[rmuecke@ndgateway.com](mailto:rmuecke@ndgateway.com)

Chairman Ruby --

I had planned to appear at today's hearing on HB 1197 to urge a "DO NOT PASS" committee recommendation. Last minute matters prevent me from coming in person. Would you please include this e-mail in the record of the committee's consideration of the bill?

Thank you.

John J. Gosbee

**TESTIMONY ON HB 1197  
URGING "DO NOT PASS" RECOMMENDATION**

**Mr. Chairman and members of the House Transportation Committee.**

My name is John Gosbee. I have practiced law in North Dakota for almost 30 years. Most of that time I have defended the little guy; now I also defend victims of crime as the State's Attorney in Sioux County. Today I am speaking in my personal capacity.

The seat belt law has been part of my life for over 20 years now, starting when a group of us referred the first seat belt law in 1989.

House Bill 1197 is a solution in search of a problem. So I ask that the Committee give the bill the decent burial it richly deserves.

Since we won the first round in 1989, the Nanny Government fans have never given up their quest to rule our lives. They eventually managed to cram a seat belt law down our throats. Now they want to remove the small degree of government responsibility left. That is the requirement that a driver cannot be stopped for just the seat belt violation - the driver has to do something else to justify the stop.

Please remember that, under the present law, the driver doesn't have to commit some other offense. There are North Dakota Supreme Court cases saying that the driver doesn't have to have broken a law for a stop to be allowed. The driver just has to do something that gives the officer "probable cause" to support the stop.

In my many years of practicing law, it has become quite apparent that officers are perfectly capable of recognizing probable cause when they see it.

Thus, there is no need for this bill. I urge the committee to spend its valuable time on matters much more important to the transportation sector in North Dakota.

Thank you for your courtesy in listening to my views.

## Attachment # 17

Dear sirs & Ladies,

I do not believe in the Seatbelt laws. I have known many instances in which the People would have died, if they had been wearing theirs.

A friend of mine, she was living on the eastern coast. She had been trapped in her car. They had to use the jaws of life and they couldn't get a good hold. There were flames. They were finally able to get her out. Within a few seconds of getting her out the car exploded. Had she been belted she would have died.

I had another friend who was a passenger in a car. They were driving in Theodore Roosevelt National Park by Medora. They tried to avoid a Prairie dog and ended up on the shoulder. The car flipped. She was thrown out. The very next flip, the side she was on was completely crushed in.

I had another friend whose grandma survived the crash but when she was going to get out of the car. The seatbelt reengaged and

HB 1197  
page 2

the seatbelt strangled her. It was an automatic seatbelt.

Car manufacture's still don't always put them in correctly. People have been cut in half. A seatbelt is no guarantee of life.

(I do believe kids should be belted as they have been proven to be more effective.)

I believe making someone wear a seatbelt is unconstitutional. It should be a choice.

Laurene Garlow  
837 meadows Dr #1  
Dickinson ND 58601

# Attachment #15-a

Friday January 30th, 2009

Lorne Campbell  
718 N. 13th Street  
Bismarck, ND 58501

HB1197 I oppose this bill.

In ND seat belt laws were first introduced just for those under 18. Then after several attempts it was changed to apply to all drivers. In 1994 there was an initiated measure to repeal the mandatory seat belt law which lost by 6.2% of the electorate. During the last session a change to make it a primary offence was introduced and was put down. Here it is again – it's still wrong for all the same reasons.

Those that support this issue: NHTSA, insurance companies, some law enforcement, some in medical staff, want this to make having an accident safer – not to make driving safer.

Seat belt use has little bearing on whether or not one is involved in an accident. Drinking, lack of attention, following too closely, and excessive speed are the main causes of accidents. One could cite driver statistics that most drivers are not involved in accidents so no use is warranted. One study actually suggests drivers are likely to be slightly more careless when wearing a seatbelt and also more likely to injure cyclists and pedestrians as a result. Ref 1 below

Adult citizens are not wards of the state and are free to take risks in every day life activities provided they don't endanger others. We can go down hill skiing, take a walk downtown when the sidewalks are icy, and eat bad food and not exercise. It is not the states place to step in and become a nanny to the public.

In closing I personally think wearing a seat belt is a good idea when you are driving faster than 20 mph or in conditions that are likely to be hazardous. Representative Duane De-Krey's bill is the way to go to encourage use. I applaud the DOT in it's educational approaches to promote seat belt use unlike the NHTSA plan of "Click it or ticket" which essentially says be safe or we'll hurt you. Insurance companies could mandate seat belt use if they wanted to, this is already the case with many company policies, but it is not law enforcements job to make sure their wishes are complied with.

I encourage you to vote no on this measure.

# Attachment # 15b.

Ref 1:

**Wiel Janssen**

TNO Institute for Perception, Kampweg 5, 3769 DE, Soesterberg, The Netherlands  
Available online 16 July 2002.

## **Abstract**

Less-than-expected fatality reductions after seat-belt legislation has been introduced in a jurisdiction may be explained in terms of selective recruitment of parts of the driving population and/or behavioral adaptation by beginning belt users. The present investigation has compared the relative merits of these two hypotheses at the level of individual driver behavior. In the *initial* study the driving behavior of groups of habitual wearers and nonwearers of the belt was compared. Nonwearers made two trips, one with the belt on and one without the belt. Habitual wearers drove belted only. The main part of the experiment was a 105 km freeway route. Two additional tasks of a somewhat more critical nature, a double lane-change manoeuvre and the performance of a braking manoeuvre in front of a fixed obstacle, were performed after the freeway trips. Factor analysis on 39 variables describing driving behavior on the road and during the additional tasks resulted in five factors. One of these, the factor describing the distribution of driving speed on the freeway, differentiated between nonwearers and wearers (thus yielding support for the selective recruitment hypothesis) as well as between wearing and not wearing the belt by the same drivers (thus yielding support for the behavioral adaptation hypothesis). In the *follow-up* study the original wearers and nonwearers were assigned to one of four experimental treatments: (i) the promise by the experimenter of a considerable incentive for not having a culpable motor vehicle accident over a period of a year. Half the habitual wearer subjects were assigned to this condition. The expectation was that this group would become more careful in their driving; (ii) a control group, consisting of the remaining habitual wearers; (iii) the agreement between the experimenter and the subject that the latter would buckle up in everyday driving for the year to come—half the habitual nonwearer subjects were assigned to this condition; (iv) a control group to the previous treatment, consisting of the remaining habitual nonwearers. All subjects returned for repeat measurements, consisting of the freeway trips plus additional tasks, three times over the next year. The main result was that beginning wearers (group iii) showed signs of continuing behavioral adaptation, in the form of increased speed and increased propensity for close following, as well as several minor effects. The “incentive” group (group i), however, did not change driving behavior in the expected sense, i.e. in the safe direction.

## States With Primary Safety Belt Laws

As of July 2004, 21 states, the District of Columbia and Puerto Rico have primary safety belt laws. New Hampshire is the only state that has no adult safety belt law.

State	Date of Passage	Seatbelt Usage % in 2000	Seatbelt Usage % in 2006	Increase in Seatbelt Use %
Alabama	1999	70.6%	82.9%	+12.3%
California	1993	88.9	93.4	+4.5
Connecticut	1986	76.3	83.5	+7.2
Delaware	2003	66.1	86.1	+20.0
D.C.	1997	82.6	85.4	+2.8
Georgia	1996	73.6	90.0	+16.4
Hawaii	1985	80.4	92.5	+12.1
Illinois	2003	70.2	87.8	+17.6
Indiana	1998	62.1	84.3	+22.2
Iowa	1986	78.0	89.6	+11.6
Louisiana	1995	68.2	74.8	+6.6
Maryland	1997	85.0	91.1	+6.1
Michigan	2000	83.5	94.3	+10.8
New Jersey	1999	74.2	90.0	+15.8
New Mexico	1986	86.6	89.6	+3.0
New York	1984	77.3	83.0	+5.7
North Carolina	1985	80.5	88.5	+8.0
Oklahoma	1997	67.5	83.7	+16.2
Oregon	1990	83.6	84.1	+0.5
Tennessee	2004	59.0	78.6	+19.6
Texas	1985	76.6	90.4	+13.8

Washington	2002	81.6	96.3	+14.7
Puerto Rico	1975	87.0	92.7	+5.7



## States With Primary Safety Belt Laws

As of July 2004, 21 states, the District of Columbia and Puerto Rico have primary safety belt laws. New Hampshire is the only state that has no adult safety belt law.

State	Who is Covered? In What Seat?	Date of Passage	Maximum Fine First Offense
Alabama	6+ yrs. in front seat	1999	\$25
California	16+ yrs. in all seats	1993	\$20
Connecticut	4+ yrs. in front seat	1986	\$15
Delaware	16+ in all seats	2003	\$25
D.C.	16+ yrs. in all seats	1997	\$50
Georgia	6-17 yrs. in all seats; 18+ yrs. in front seat	1996	\$15
Hawaii	4-17 yrs. in all seats; 18+ yrs. in front seat	1985	\$45
Illinois	6+ yrs. in front seat; all in all seats if driver is younger than 18 yrs.	2003	\$25
Indiana	16+ yrs. in front seat	1998	\$25
Iowa	11+ yrs. in front seat	1986	\$10
Louisiana	13+ in front seat	1995	\$25
Maryland	16+ yrs. in front seat	1997	\$25
Michigan	4-15 yrs. in all seats; 4+ yrs. in front seat	2000	\$25
New Jersey	7 yrs. and younger and 80+ lbs.; 8-17 yrs. in all seats; 18+ yrs. in front seat	1999	\$20
New Mexico	18+ yrs. in all seats	1986	\$25
New York	16 + yrs. in all seats	1984	\$50
North Carolina	16+ yrs. in front seat	1985	\$25
Oklahoma	All in front seat	1997	\$20
Oregon	16+ in all seats	1990	\$75
Tennessee	4+ yrs. in front seats	2004	\$10
	4-16 yrs. in all seats; 17+ yrs. in front		

Texas	seat	1985	\$200
Washington	All in all seats	2002	\$101
Puerto Rico	All in all seats	1975	\$10

### States With Secondary Safety Belt Laws

State	Who is Covered? In What Seat?	Maximum Fine First Offense
Alaska	16+ yrs. in all seats	\$15
Arizona	5-15 yrs. in all seats; 5+ yrs. in front seat	\$10
Arkansas	15+ yrs. in front seat	\$25
Colorado	16+ yrs. in front seat	\$15
Florida	6-17 yrs. in all seats; 6+ yrs. in front seat	\$30
Idaho	4+ yrs. in all seats	\$25
Kansas	14+ yrs. in front seat	\$10
Kentucky	More than 40 inches in all seats	\$25
Maine	18+ yrs. in all seats	\$50
Massachusetts	12+ yrs. in all seats	\$25
Minnesota	3-10 yrs. in all seats; all in front seat	\$25
Mississippi	4-7 yrs. in all seats; 8+ yrs. in front seat; law is primary for under 8 yrs.	\$25
Missouri	4-15 yrs. in all seats; 4+ yrs. in front seat; law is primary for under 16 yrs.	\$10
Montana	6+ yrs. in all seats	\$20
Nebraska	18+ yrs. in front seat	\$25
Nevada	5+ yrs. in all seats	\$25
New Hampshire	--	
North Dakota	18+ yrs. in front seat	\$20
Ohio	4+ yrs. in front seat	\$30 dvr.; \$20 pass.
Pennsylvania	18+ in front seat; 8-17 yrs. in all seats	\$10
Rhode Island	7+ yrs in all seats; law is primary for under 18 yrs. (eff. 7/05)	\$57
South	6+ yrs. in front seat; 6+ yrs. in rear seat w/shoulder	\$10

Carolina	belt; law is primary for under 18 yrs.	
South Dakota	5+ yrs. in front seat	\$20
Utah	16+ yrs. in all seats; law is primary for under 19 yrs.	\$45
Vermont	16+ yrs in all seats	\$25
Virginia	16+ yrs. in front seat	\$25
West Virginia	9-17 yrs. in all seats; 9+ yrs. in front seat	\$25
Wisconsin	4+ yrs in front seat; 4-15 yrs. in rear seat w/shoulder belt	\$10
Wyoming	5+ yrs. in all seats	\$25 dvr.; \$10 pass.

## Seat Belt Use in 2006 — Use Rates in the States and Territories

In 2006, seat belt use in the United States ranged from 63.5 percent in New Hampshire and Wyoming to 96.3 percent in Washington. These results are from probability-based observational surveys conducted by 50 States and U.S. Territories in accordance with criteria established by the National Highway Traffic Safety Administration to ensure reliable results. Compliance with the criteria is verified annually by NHTSA's National Center for Statistics and Analysis.

The 2006 surveys also found the following:

- Eleven States and Territories achieved use rates of 90 percent or higher — Washington, Michigan, Oregon, California, Puerto Rico, Hawaii, Nevada, Maryland, Texas, Georgia, and New Jersey.
- Jurisdictions with stronger belt enforcement laws continue to exhibit generally higher use rates than those with weaker laws. Mississippi strengthened its belt law to a "primary" enforcement law, effective May 2006. This State saw a jump in use from 60.8 percent in 2005 to 73.6 percent in 2006. Alaska and Kentucky also passed primary laws that took effect in 2006.

Seat belt use rates in the States, U.S. Territories, the District of Columbia, and nationwide from 2000-2006 are listed in the following table. States provided the 2006 seat belt use rates in response to grant requirements under 23 U.S.C. §§ 402, 406. The agency has continued the use of uniform survey

criteria developed under the Transportation Equity Act for the 21<sup>st</sup> Century (available at 23 CFR Part 1340) in order to determine the acceptability of a State's survey process and submitted seat belt use rates. Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded in the table. However, the law might not have taken effect when the survey was conducted. The 2003 rate for New Hampshire was not reported by the State. It was obtained by Preusser Research Group using methods compliant with 23 CFR Part 1340.

### National Seat Belt Use Rate

Seat belt use nationwide was 81 percent in 2006, as measured by NHTSA's National Occupant Protection Use Survey (NOPUS). NOPUS provides NHTSA's official measure of nationwide use because it is the only probability-based observational survey of seat belt use in the United States. Additionally, NOPUS does not employ sampling frame exemptions allowed of the States and Territories in Section 157 (namely, the omission of up to 15 percent of low-population areas and the permission to observe data solely in vehicles stopped at stop signs or stoplights), and so provides a more accurate measure of nationwide use than would be obtained by combining the use rates from the States and Territories.

**Table: Seat Belt Use in States, U.S. Territories, and Nationwide, 2000-2006**

State or U.S. Territory	2000	2001	2002	2003	2004	2005	2006	Reduction in Nonuse 2005-2006
Alabama	70.6%	79.4%	78.7%	77.4%	80.0%	81.8%	82.9%	-6%
Alaska	61.0%	62.6%	65.8%	78.9%	76.7%	78.4%	83.2%	22%
Arizona	75.2%	74.4%	73.7%	86.2%	95.3%	94.2%	78.9%	-264%
Arkansas	52.4%	54.5%	63.7%	62.8%	64.2%	68.3%	69.3%	3%
California	88.9%	91.1%	91.1%	91.2%	90.4%	92.5%	93.4%	12%
Colorado	65.1%	72.1%	73.2%	77.7%	79.3%	79.2%	80.3%	5%
Connecticut	76.3%	78.0%	78.0%	78.0%	82.9%	81.6%	83.5%	10%
Delaware	66.1%	67.3%	71.2%	74.9%	82.3%	83.8%	86.1%	14%
Dist. Of Columbia	82.6%	83.6%	84.6%	84.9%	87.1%	88.8%	85.4%	-30%
Florida	64.8%	69.5%	75.1%	72.6%	76.3%	73.9%	80.7%	26%
Georgia	73.6%	79.0%	77.0%	84.5%	86.7%	89.9%	90.0%	1%
Hawaii	80.4%	82.5%	90.4%	91.8%	95.1%	95.3%	92.5%	-60%
Idaho	58.6%	60.4%	62.9%	71.7%	74.0%	76.0%	79.8%	16%
Illinois	70.2%	71.4%	73.8%	80.1%	83.0%	86.0%	87.8%	13%
Indiana	62.1%	67.4%	72.2%	82.3%	83.4%	81.2%	84.3%	16%
Iowa	78.0%	80.9%	82.4%	86.8%	86.4%	87.1%	89.6%	19%
Kansas	61.6%	60.8%	61.3%	63.6%	68.3%	69.0%	73.5%	15%
Kentucky	60.0%	61.9%	62.0%	65.5%	66.0%	66.7%	67.2%	2%
Louisiana	68.2%	68.1%	68.6%	73.8%	75.0%	77.7%	74.8%	-13%
Maine	NA	NA	NA	NA	72.3%	75.8%	77.2%	6%
Maryland	85.0%	82.9%	85.8%	87.9%	89.0%	91.1%	91.1%	0%
Massachusetts	50.0%	56.0%	51.0%	61.7%	63.3%	64.8%	66.9%	6%
Michigan	83.5%	82.3%	82.9%	84.8%	90.5%	92.9%	94.3%	20%
Minnesota	73.4%	73.9%	80.1%	79.4%	82.1%	83.9%	83.3%	-4%
Mississippi	50.4%	61.6%	62.0%	62.2%	63.2%	60.8%	73.6%	33%
Missouri	67.7%	67.9%	69.4%	72.9%	75.9%	77.4%	75.2%	-10%
Montana	75.6%	76.3%	78.4%	79.5%	80.9%	80.0%	79.0%	-5%
Nebraska	70.5%	70.2%	69.7%	76.1%	79.2%	79.2%	76.0%	-15%
Nevada	78.5%	74.5%	74.9%	78.7%	86.6%	94.8%	91.2%	-69%
New Hampshire	NA	NA	NA	49.6%	NA	NA	63.5%	NA
New Jersey	74.2%	77.6%	80.5%	81.2%	82.0%	86.0%	90.0%	29%
New Mexico	86.6%	87.8%	87.6%	87.2%	89.7%	89.5%	89.6%	1%
New York	77.3%	80.3%	82.8%	84.6%	85.0%	85.0%	83.0%	-13%
North Carolina	80.5%	82.7%	84.1%	86.1%	86.1%	86.7%	88.5%	14%
North Dakota	47.7%	57.9%	63.4%	63.7%	67.4%	76.3%	79.0%	11%
Ohio	65.3%	66.9%	70.3%	74.7%	74.1%	78.7%	81.7%	14%
Oklahoma	67.5%	67.9%	70.1%	76.7%	80.3%	83.1%	83.7%	4%
Oregon	83.6%	87.5%	88.2%	90.4%	92.6%	93.3%	94.1%	12%
Pennsylvania	70.7%	70.5%	75.7%	79.0%	81.8%	83.3%	86.3%	18%
Rhode Island	64.4%	63.2%	70.8%	74.2%	76.2%	74.7%	74.0%	-3%
South Carolina	73.9%	69.6%	66.3%	72.8%	65.7%	69.7%	72.5%	9%
South Dakota	53.4%	63.3%	64.0%	69.9%	69.4%	68.8%	71.3%	8%
Tennessee	59.0%	68.3%	66.7%	68.5%	72.0%	74.4%	78.6%	16%
Texas	76.6%	76.1%	81.1%	84.3%	83.2%	89.9%	90.4%	5%
Utah	75.7%	77.8%	80.1%	85.2%	85.7%	86.9%	88.6%	13%
Vermont	61.6%	67.4%	84.9%	82.4%	79.9%	84.7%	82.4%	-15%
Virginia	69.9%	72.3%	70.4%	74.6%	79.9%	80.4%	78.7%	-9%
Washington	81.6%	82.6%	92.6%	94.8%	94.2%	95.2%	96.3%	23%
West Virginia	49.8%	52.3%	71.6%	73.6%	75.8%	84.9%	88.5%	24%
Wisconsin	65.4%	68.7%	66.1%	69.8%	72.4%	73.3%	75.4%	8%
Wyoming	66.8%	NA	66.6%	NA	70.1%	NA	63.5%	NA
Nationwide	71%	73%	75%	79%	80%	82%	81%	-6%
Puerto Rico	87.0%	83.1%	90.5%	87.1%	90.1%	92.5%	92.7%	3%

Note: Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded.

For questions regarding the above reported data, contact Donna Glassbrenner at 202-366-3962, or Jianqiang Ye at 202-366-3603. This issue of Crash•Stats and other general information on highway traffic safety may be accessed online at [www.nrd.nhtsa.dot.gov/departments/nrd-30/nrsa/AvailInf.html](http://www.nrd.nhtsa.dot.gov/departments/nrd-30/nrsa/AvailInf.html)

# STATE OF MINNESOTA

## SUPPLEMENTAL DEALER REASSIGNMENT

DRIVER AND VEHICLE SERVICE DIVISION



Control Number A1838403

- Notice:**
- This form is to be used only by licensed motor vehicle dealers for purposes of reassigning a motor vehicle.
  - Individuals and entities, other than licensed dealers, may not appear as vehicle seller.
  - A dealer who appears as titled owner on the corresponding Minnesota Certificate of Title may not use this form to assign the motor vehicle.
  - Any alteration or erasure voids this form.
  - This form is to accompany the original Manufacturer's Certificate of Origin or Certificate of Title that it supplements.

Model Year	Make	Body/Model Type	Vehicle Identification Number	Certificate of Title Number
2001	merc	G. Harg	2MEFM5W1XU70978	J240007910

FEDERAL AND MINNESOTA LAW REQUIRE THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. MINNESOTA LAW REQUIRES THAT YOU MAKE DISCLOSURES ABOUT POLLUTION CONTROL EQUIPMENT AND DAMAGE TO THE VEHICLE. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT. SOME EXEMPTIONS MAY APPLY.

### REASSIGNMENT BY A LICENSED DEALER

ODOMETER DISCLOSURE STATEMENT, I (WE) CERTIFY THAT THE ODOMETER NOW READS

(NO TENTHS) MILES AND TO THE BEST OF MY KNOWLEDGE THE ODOMETER MILEAGE IS:

- ☒ ACTUAL MILEAGE
- ☐ EXCEEDS MECHANICAL LIMITS OF ODOMETER
- ☐ NOT ACTUAL MILEAGE—WARNING ODOMETER DISCREPANCY

DAMAGE DISCLOSURE STATEMENT, TO THE BEST OF MY KNOWLEDGE THIS VEHICLE ☐ HAS ☒ HAS NOT (CHECK ONE) SUSTAINED DAMAGE IN EXCESS OF 70% ACTUAL CASH VALUE.

POLLUTION SYSTEM DISCLOSURE STATEMENT, TO THE BEST OF MY KNOWLEDGE THE POLLUTION CONTROL SYSTEM ON THIS VEHICLE INCLUDING THE RESTRICTED GASOLINE PIPE ☐ HAS ☒ HAS NOT (CHECK ONE) BEEN REMOVED, ALTERED OR RENDERED INOPERATIVE.

Assignment: I (we) certify that this vehicle is free from all security interests, warrant title, and assign the registration tax and vehicle to:

**Jerry's Auto Sales**

755 S. Hwy 65

Mora, MN 55051

X *Jerry's Auto Sales*  
SELLER'S SIGNATURE(S)

DATE OF SALE

1/31/11

DEALER LICENSE #

BUYER'S PRINTED NAME(S)

BUYER'S ADDRESS

BUYER'S SIGNATURE(S)

### REASSIGNMENT BY A LICENSED DEALER

ODOMETER DISCLOSURE STATEMENT, I (WE) CERTIFY THAT THE ODOMETER NOW READS

(NO TENTHS) MILES AND TO THE BEST OF MY KNOWLEDGE THE ODOMETER MILEAGE IS:

- ☐ ACTUAL MILEAGE
- ☐ EXCEEDS MECHANICAL LIMITS OF ODOMETER
- ☐ NOT ACTUAL MILEAGE—WARNING ODOMETER DISCREPANCY

DAMAGE DISCLOSURE STATEMENT, TO THE BEST OF MY KNOWLEDGE THIS VEHICLE ☐ HAS ☐ HAS NOT (CHECK ONE) SUSTAINED DAMAGE IN EXCESS OF 70% ACTUAL CASH VALUE.

POLLUTION SYSTEM DISCLOSURE STATEMENT, TO THE BEST OF MY KNOWLEDGE THE POLLUTION CONTROL SYSTEM ON THIS VEHICLE INCLUDING THE RESTRICTED GASOLINE PIPE ☐ HAS ☐ HAS NOT (CHECK ONE) BEEN REMOVED, ALTERED OR RENDERED INOPERATIVE.

Assignment: I (we) certify that this vehicle is free from all security interests, warrant title, and assign the registration tax and vehicle to:

SELLER'S PRINTED NAME(S)

SELLER'S ADDRESS

X  
SELLER'S SIGNATURE(S)

DATE OF SALE

DEALER LICENSE #

BUYER'S PRINTED NAME(S)

BUYER'S ADDRESS

BUYER'S SIGNATURE(S)



2/3/2009

Here are a few examples of injury statistics of states that have moved from secondary to primary enforcement for seat belts. I have also enclosed a couple of documents. One is from the National Highway Traffic Safety Administration (NHTSA) and then supporting documents from the websites of the Departments of Health from Washington and Illinois.

1. Washington changed their law in 2002 and went from 555 motor vehicle fatalities to 466 in 2006.
2. Illinois changed from secondary to primary in 2003 and went from 1,454 deaths in 2003 to 1,248 deaths in 2007.

If you require anything further please don't hesitate to email or call me. Thank you for considering this bill.

Diana Read  
North Dakota Department of Health  
701-328-4537  
Email: [dread@nd.gov](mailto:dread@nd.gov)

# Fatal Injury Hospitalizations Washington State

## Cause by Year 1997-2006

Counts	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
<b>Unintentional</b>											
Bites/Stings	1	3	5	4	4	3	4	3	6	2	35
Drowning	120	107	118	92	107	119	106	97	104	123	1,093
Falls	268	334	333	458	469	485	523	540	566	656	4,662
Fire/Flame/Hot Object/Substance	44	55	54	59	64	56	38	47	52	53	524
Firearm	16	12	12	8	8	6	8	12	9	9	95
MVT-(occupant)	570	544	534	531	551	555	482	437	500	466	5,170
MVT-(motorcyclist)	29	49	44	47	56	67	74	90	84	56	626
MVT-(pedal cyclist)	16	11	7	9	8	8	10	7	15	7	98
MVT-(pedestrian)	84	86	79	82	80	75	86	61	75	79	787
Pedal-cyclist(Other)	2	5	5	2	3	5	4	5	5	4	44
Pedestrian(Other)	17	15	21	10	15	14	23	20	25	17	177
Poisoning	322	327	415	420	381	494	539	626	679	745	4,948
Struck by or against	23	21	22	31	25	22	12	23	28	21	238
Suffocation & obstructing	61	95	78	92	87	73	91	109	111	116	913
Total (including other unintentional)	1,864	1,893	1,914	2,045	2,084	2,182	2,210	2,328	2,520	2,646	21,665
<b>Suicide / Self Inflicted</b>											
Cut/Pierce	12	11	12	9	13	18	13	15	20	16	139
Firearm	422	377	451	390	389	437	436	421	396	352	4,111
Poisoning	131	124	137	149	126	171	160	174	194	178	1,584
Suffocation & obstructing	119	146	133	140	136	137	147	163	137	144	1,413
Total (including other suicides)	728	700	819	727	710	811	801	823	814	796	7,729
<b>Homicide / Assault</b>											
Cut/Pierce	31	29	18	16	22	37	43	33	37	32	298
Firearm	158	142	106	112	103	110	107	122	141	121	1,222
Struck by or against	4	11	4	8	10	9	2	2	4	3	57
Total (including other homicides)	258	235	190	200	192	213	212	216	232	219	2,167
<b>Undetermined, Legal, War, Other Intents</b>	102	100	110	139	122	113	114	118	96	99	1,113
<b>All Non-fatal Injury Hospitalizations</b>	2,852	2,926	3,033	3,114	3,088	3,319	3,337	3,483	3,562	3,760	32,574

Rate* per 100,000 Resident Population	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
<b>Unintentional</b>											
Bites/Stings	*	*	0.1	*	*	*	*	*	0.1	*	0.1
Drowning	2.1	1.9	2.0	1.6	1.8	2.0	1.7	1.6	1.7	1.9	1.8
Falls	5.3	5.8	5.7	7.8	7.8	8.0	8.6	8.8	9.0	10.3	7.8
Fire/Flame/Hot Object/Substance	0.8	1.0	0.9	1.0	1.1	1.0	0.6	0.8	0.8	0.8	0.9
Firearm	0.3	0.2	0.2	0.1	*	0.1	0.1	0.2	0.1	0.1	0.2
MVT-(occupant)	10.1	9.5	9.2	9.0	9.2	9.2	7.9	7.1	8.0	7.3	8.6
MVT-(motorcyclist)	0.5	0.9	0.8	0.8	0.9	1.1	1.2	1.5	1.3	1.3	1.0
MVT-(pedal cyclist)	0.3	0.2	0.1	0.2	0.1	0.1	0.2	0.1	0.2	0.1	0.2
MVT-(pedestrian)	1.5	1.5	1.3	1.4	1.3	1.2	1.4	1.0	1.2	1.2	1.3
Pedal-cyclist(Other)	*	0.1	0.1	0.1	*	0.1	*	0.1	0.1	*	0.1
Pedestrian(Other)	0.3	0.3	0.4	0.2	0.3	0.2	0.4	0.3	0.4	0.3	0.3
Poisoning	5.7	5.7	7.1	7.1	6.4	8.2	8.8	10.1	10.9	11.7	8.2
Struck by or against	0.4	0.4	0.4	0.5	0.4	0.4	0.2	0.4	0.4	0.3	0.4
Suffocation & obstructing	1.1	1.7	1.3	1.6	1.5	1.2	1.5	1.8	1.8	1.8	1.5
Total (including other unintentional)	32.9	32.9	32.8	34.7	34.5	36.1	36.2	37.7	40.3	41.5	36.1
<b>Suicide / Self Inflicted</b>											
Cut/Pierce	0.2	0.2	0.2	0.2	0.2	0.3	0.2	0.2	0.3	0.3	0.2
Firearm	7.5	6.6	7.7	6.6	6.5	7.2	6.7	6.8	6.3	6.1	6.8
Poisoning	2.3	2.2	2.7	2.5	2.1	2.8	2.6	2.8	3.1	2.8	2.6
Suffocation & obstructing	2.1	2.5	2.3	2.4	2.3	2.3	2.4	2.6	2.3	2.4	2.4
Total (including other suicides)	12.9	12.2	14.0	12.3	11.9	13.4	13.1	13.3	13.0	12.5	12.9
<b>Homicide / Assault</b>											
Cut/Pierce	0.5	0.5	0.3	0.3	0.4	0.6	0.7	0.5	0.6	0.5	0.5
Firearm	2.8	2.5	1.8	1.9	1.7	1.8	1.8	2.0	2.3	1.9	2.0
Struck by or against	*	0.2	*	0.1	0.2	0.1	*	*	*	*	0.1
Total (including other homicides)	4.6	4.1	3.3	3.4	3.2	3.5	3.5	3.5	3.7	3.4	3.6
<b>Undetermined, Legal, War, Other Intents</b>	1.7	1.7	1.9	2.4	2.0	1.8	1.9	1.9	1.5	1.6	1.9
<b>All Non-fatal Injury Hospitalizations</b>	52.1	50.9	52.0	52.8	51.7	54.9	54.7	56.5	58.5	59.0	54.4

\*Rate not calculated for values < 5  
Data source: Washington State Department of Health, Center for Health Statistics, Death Records - 2008 release  
Population source: Washington State Office of Financial Management with DSHS/DOH Acquisitions  
For questions and/or additional information contact the injury data manager at: 360-236-2867 or injury\_data@doh.wa.gov



# Illinois Crash Data 2003-2007

## Five-Year Statistics

	2003	2004	2005	2006	2007	2007 vs. 2003
Registered Motor Vehicles <sup>1</sup>	9.41	9.70	9.85	10.08	10.21	8.5
Licensed Drivers <sup>1</sup>	8.52	8.56	8.57	8.62	8.67	1.8
Vehicle Miles Traveled <sup>2</sup>	106.46	108.91	107.86	106.81	107.40	0.9
Crashes	437,289	433,032	421,522	408,670	422,778	-3.3
Injuries	131,279	121,670	112,343	106,918	103,156	-21.4
Deaths	1,454	1,355	1,363	1,254	1,248	-14.2
Mileage Death Rate <sup>3</sup>	1.37	1.24	1.26	1.17	1.16	-15.3

<sup>1</sup> Millions. Data obtained from Illinois Secretary of State.

<sup>2</sup> Miles of travel on all roadways within Illinois, expressed in billions.

<sup>3</sup> Per Hundred Million Vehicle Miles Traveled.

Note: Crash data in this publication are taken from the state's crash records system except where noted.

The number of motor vehicle registrations increased 8.5 percent from 2003 to 2007, while vehicle miles traveled increased only slightly, by less than one percent. The number of licensed drivers also increased, by 1.8 percent. The number of crashes for 2007 decreased by 3.3 percent compared to the number of crashes for 2003.

The risk of being in a crash generally increases with miles traveled. The number of deaths and miles traveled are used to calculate the mileage death rate. When comparing 2007 with 2003, the number of vehicle miles traveled increased by 0.9 percent. The mileage death rate decreased by 15.3 percent. Improvements in roadway engineering, enhanced enforcement, and efforts to increase occupant restraint usage and to decrease alcohol-related fatalities have all contributed to this reduction.

## Crash • Stats

DOT HS 810 949

May 2008

# Seat Belt Use in 2007 – Use Rates in the States And Territories

In 2007, seat belt use in the United States ranged from 63.8 percent in New Hampshire to 97.6 percent in Hawaii. These seat belt use rates are reported to the National Highway Traffic Safety Administration by States and Territories in response to grant requirements under 23 U.S.C. §§ 402, 406.

The 2007 State and Territory surveys also found the following:

Twelve States and Territories achieved use rates of 90 percent or higher — Hawaii, Washington, Oregon, California, Michigan, Maryland, Puerto Rico, Texas, New Mexico, New Jersey, Iowa, and Illinois.

Jurisdictions with primary belt-enforcement laws continue to exhibit generally higher use rates than those with secondary laws or no belt law. Kentucky strengthened its belt law to a primary enforcement law, effective July 2006, with citations issued beginning in January 2007. This State saw a jump in use from 67.2 percent in 2006 to 71.8 percent in 2007. Maine's primary enforcement seat belt law took effect on September 17, 2007, but citations were issued beginning April 1, 2008.

Seat belt use rates in the States, U.S. Territories, the District of Columbia, and nationwide from 2001-2007 are listed in the following table. Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded in the table. However, the law might not have taken effect when the survey was conducted. The 2003 rate for New Hampshire was not reported by the State.

## National Seat Belt Use Rate

Seat belt use nationwide was 82 percent in 2007, as measured by NHTSA's National Occupant Protection Use Survey (NOPUS). NOPUS provides NHTSA's official measure of nationwide use because it is the only probability-based observational survey of seat belt use in the United States. Additionally, NOPUS does not employ sampling frame exemptions allowed of the States and Territories in 23 CFR Part 1340 (namely, the omission of up to 15 percent of low-population areas and the permission to observe data solely in vehicles stopped at stop signs or stoplights), and so provides a more accurate measure of nationwide use than would be obtained by combining the use rates from the States and Territories.

**Table: Seat Belt Use in States, U.S. Territories, and Nationwide, 2001-2007**

State or U.S. Territory	2001	2002	2003	2004	2005	2006	2007	Conversion Rate* 2006-2007
Alabama	79.4%	78.7%	77.4%	80.0%	81.8%	82.9%	82.3%	-4%
Alaska	62.6%	65.8%	78.9%	76.7%	78.4%	83.2%	82.4%	-5%
Arizona	74.4%	73.7%	86.2%	95.3%	94.2%	78.9%	80.9%	9%
Arkansas	54.5%	63.7%	62.8%	64.2%	68.3%	69.3%	69.9%	2%
California	91.1%	91.1%	91.2%	90.4%	92.5%	93.4%	94.6%	18%
Colorado	72.1%	73.2%	77.7%	79.3%	79.2%	80.3%	81.1%	4%
Connecticut	78.0%	78.0%	78.0%	82.9%	81.6%	83.5%	85.8%	14%
Delaware	67.3%	71.2%	74.9%	82.3%	83.8%	86.1%	86.6%	4%
Dist. Of Columbia	83.6%	84.6%	84.9%	87.1%	88.8%	85.4%	87.1%	12%

State or U.S. Territory	2001	2002	2003	2004	2005	2006	2007	Conversion Rate* 2006-2007
Florida	69.5%	75.1%	72.6%	76.3%	73.9%	80.7%	79.1%	-8%
Georgia	79.0%	77.0%	84.5%	86.7%	89.9%	90.0%	89.0%	-10%
Hawaii	82.5%	90.4%	91.8%	95.1%	95.3%	92.5%	97.6%	68%
Idaho	60.4%	62.9%	71.7%	74.0%	76.0%	79.8%	78.5%	-6%
Illinois	71.4%	73.8%	80.1%	83.0%	86.0%	87.8%	90.1%	19%
Indiana	67.4%	72.2%	82.3%	83.4%	81.2%	84.3%	87.9%	23%
Iowa	80.9%	82.4%	86.8%	86.4%	87.1%	89.6%	91.3%	16%
Kansas	60.8%	61.3%	63.6%	68.3%	69.0%	73.5%	75.0%	6%
Kentucky	61.9%	62.0%	65.5%	66.0%	66.7%	67.2%	71.8%	14%
Louisiana	68.1%	68.6%	73.8%	75.0%	77.7%	74.8%	75.2%	2%
Maine	NA	NA	NA	72.3%	75.8%	77.2%	79.8%	11%
Maryland	82.9%	85.8%	87.9%	89.0%	91.1%	91.1%	93.1%	22%
Massachusetts	56.0%	51.0%	61.7%	63.3%	64.8%	66.9%	68.7%	5%
Michigan	82.3%	82.9%	84.8%	90.5%	92.9%	94.3%	93.7%	-11%
Minnesota	73.9%	80.1%	79.4%	82.1%	83.9%	83.3%	87.8%	27%
Mississippi	61.6%	62.0%	62.2%	63.2%	60.8%	73.6%	71.8%	-7%
Missouri	67.9%	69.4%	72.9%	75.9%	77.4%	75.2%	77.2%	8%
Montana	76.3%	78.4%	79.5%	80.9%	80.0%	79.0%	79.6%	3%
Nebraska	70.2%	69.7%	76.1%	79.2%	79.2%	76.0%	78.7%	11%
Nevada	74.5%	74.9%	78.7%	86.6%	94.8%	91.2%	92.2%	11%
New Hampshire	NA	NA	49.6%	NA	NA	63.5%	63.8%	1%
New Jersey	77.6%	80.5%	81.2%	82.0%	86.0%	90.0%	91.4%	14%
New Mexico	87.8%	87.6%	87.2%	89.7%	89.5%	89.6%	91.5%	18%
New York	80.3%	82.8%	84.6%	85.0%	85.0%	83.0%	83.5%	3%
North Carolina	82.7%	84.1%	86.1%	86.1%	86.7%	88.5%	88.8%	3%
North Dakota	57.9%	63.4%	63.7%	67.4%	76.3%	79.0%	82.2%	15%
Ohio	66.9%	70.3%	74.7%	74.1%	78.7%	81.7%	81.6%	-1%
Oklahoma	67.9%	70.1%	76.7%	80.3%	83.1%	83.7%	83.1%	-4%
Oregon	87.5%	88.2%	90.4%	92.6%	93.3%	94.1%	95.3%	20%

State or U.S. Territory	2001	2002	2003	2004	2005	2006	2007	Conversion Rate* 2006-2007
Pennsylvania	70.5%	75.7%	79.0%	81.8%	83.3%	86.3%	86.7%	3%
Rhode Island	63.2%	70.8%	74.2%	76.2%	74.7%	74.0%	79.1%	20%
South Carolina	69.6%	66.3%	72.8%	65.7%	69.7%	72.5%	74.5%	7%
South Dakota	63.3%	64.0%	69.9%	69.4%	68.8%	71.3%	73.0%	6%
Tennessee	68.3%	66.7%	68.5%	72.0%	74.4%	78.6%	80.2%	7%
Texas	76.1%	81.1%	84.3%	83.2%	89.9%	90.4%	91.8%	15%
Utah	77.8%	80.1%	85.2%	85.7%	86.9%	88.6%	86.8%	-16%
Vermont	67.4%	84.9%	82.4%	79.9%	84.7%	82.4%	87.1%	27%
Virginia	72.3%	70.4%	74.6%	79.9%	80.4%	78.7%	79.9%	6%
Washington	82.6%	92.6%	94.8%	94.2%	95.2%	96.3%	96.4%	3%
West Virginia	52.3%	71.6%	73.6%	75.8%	84.9%	88.5%	89.6%	10%
Wisconsin	68.7%	66.1%	69.8%	72.4%	73.3%	75.4%	75.3%	0%
Wyoming	NA	66.6%	NA	70.1%	NA	63.5%	72.2%	24%
Nationwide	73%	75%	79%	80%	82%	81%	82%	7%
Puerto Rico	83.1%	90.5%	87.1%	90.1%	92.5%	92.7%	92.1%	-8%
American Samoa							NA	
Guam							81%	
Northern Mariana Islands							80%	
U.S. Virgin Islands						80.2%	NA	

Notes: Rates in jurisdictions with primary belt enforcement during the calendar year of the survey are shaded.

NA: No rate reported.

\*The "conversion rate" is the percentage reduction in belt nonuse. Negative conversion rates reflect a decrease in the estimated use rates.

For questions regarding the above reported data, contact Donna Glassbrenner at 202-366-3962, or Tony Jianqiang Ye at 202-366-3603. This issue of Crash•Stats and other general information on highway traffic safety may be accessed online at <http://www-nrd.nhtsa.dot.gov/CMSWeb/index.aspx>

2007 ND RESIDENT DEATHS TO EXTERNAL CAUSES BY AGE GROUP																
	AGE GROUP															
	UNDER AGE 1	AGES 1 TO 4	AGE 5 TO 14	AGE 15 TO 24	AGE 25 TO 34	AGE 35 TO 44	AGE 45 TO 54	AGE 55 TO 64	AGE 65 TO 74	AGE 75 TO 84	AGE 85 PLUS	TOTAL				
AIRSPACE VEHICLE	0	0	0	0	1	0	0	0	0	0	0	0	3			
ATV	0	0	0	0	0	1	1	1	1	0	0	0	4			
CAR/VAN/PICKUP ACCIDENT	0	1	1	33	23	12	9	6	5	5	4	99				
TRAFFIC ACCIDENT UNKNOWN																
MODE	0	0	0	0	1	0	0	0	0	0	0	0	1			
HEAVY TRANSPORT VEHICLE	0	0	0	0	1	1	0	1	1	0	0	0	5			
DROWNING	1	0	1	1	1	0	2	2	0	0	0	0	8			
ELECTRICITY	0	0	0	0	0	0	1	1	0	0	0	0	2			
ENVIRONMENTAL CAUSES (COLD AND HEAT)	0	0	0	1	1	1	1	3	0	2	0	9				
FALLS	0	0	0	1	1	1	6	3	6	22	42	82				
FIRE	0	0	0	0	0	0	1	1	0	2	0	4				
FIREARMS	0	0	0	0	1	0	0	1	0	0	0	2				
HOMICIDE	0	2	0	2	2	1	3	0	3	1	1	15				
LATE EFFECTS OF INJURY	0	0	0	0	1	1	0	2	2	0	0	8				
MACHINERY	0	0	0	0	0	1	0	1	0	1	0	3				
PEDESTRIAN	0	0	1	0	1	1	1	3	1	0	0	8				
ACCIDENTAL POISONING (INCLUDES CARBON MONOXIDE)	0	0	0	5	5	3	5	2	1	0	0	21				
SPECIAL AGRICULTURAL VEHICLE	0	0	0	0	0	0	1	1	0	0	0	2				
STRUCK BY OBJECT	0	0	0	0	0	1	0	0	0	0	0	1				
SUFFOCATION	0	0	0	0	0	1	0	1	2	3	5	12				
SUICIDE	0	0	0	17	19	14	16	11	6	7	3	93				
UNDETERMINED EXTERNAL CAUSE	0	0	0	1	3	1	0	1	0	1	0	7				
OTHER EXTERNAL CAUSE	0	0	1	1	1	3	2	0	0	1	0	9				
UNSPECIFIED ACCIDENT	0	0	0	0	0	0	1	0	1	1	0	3				
AGE GROUP TOTALS	1	3	4	64	62	43	51	42	28	46	57	401				